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# HEARINGS

BEFORE THE

## COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE

HOUSE OF REPRESENTATIVES

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### Investigation of the Fur-Seal Industry of Alaska

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U.S. Congress, House.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT  
OF COMMERCE

SIXTY-THIRD CONGRESS, SECOND SESSION

JOHN H. ROTHERMEL, of Pennsylvania, *Chairman*.

JOHN H. STEPHENS, of Texas.

JOHN T. WATKINS, of Louisiana.

HENRY BRUCKNER, of New York.

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# INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Monday, October 13, 1913.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

The CHAIRMAN. I see there is a quorum present. The committee has no clerk, so I suppose we will have to proceed without calling the roll. Mr. Walsh, Mr. Watkins, and Mr. McGuire are present, and so there is a quorum.

Mr. Elliott, you may take the stand.

## STATEMENT OF MR. HENRY W. ELLIOTT.

(The witness was duly sworn by the chairman.)

Secretary REDFIELD. Mr. Chairman, may I ask a question?

The CHAIRMAN. Certainly.

Secretary REDFIELD. How much time am I wanted to give now to this investigation? That is one question which I wanted to ask, and whether it is the purpose of the committee that I should appear as a witness in any way, which I shall be glad to do. I ask that question because I have not yet read my morning's mail, and there are matters of the very largest importance that I must act upon to-day. I have to leave the city on Thursday to be gone until the 4th of November, and it will not be possible for me to remain. In the meantime almost every hour of my time will be taken by pressing matters. My Assistant Secretary is absent from the city. If I am wanted merely as a matter of interest to me, I shall have to ask Dr. Jones to take my place, but if I am wanted to serve the committee, I shall be glad to do that.

The CHAIRMAN. Mr. Secretary, we sent you a notice of the meeting so in case you saw fit to be present you would have an opportunity.

Secretary REDFIELD. I wish I had nothing else to do.

The CHAIRMAN. We certainly do not care to detain you here so far as the committee is concerned, but we thought that we would give you an opportunity to be present.

Secretary REDFIELD. I appreciate that. I am deeply interested in this whole subject; it concerns me very deeply. I appreciate and am grateful for the light which Mr. Elliott throws upon the whole subject matter. I should like very much, Mr. Elliott having been sworn, to take this opportunity to make a statement to the committee which you may or may not desire to have made a portion of your record.

The CHAIRMAN. You may proceed to make the statement, Mr. Secretary.

Secretary REDFIELD. And after that I will ask, if I may, to be excused, subject to your call at any time, and I will ask Dr. Jones to represent me before the committee.

I am in the fullest sympathy with the wish of the committee not only to throw the fullest light upon the present situation, but upon the past, and shall be glad to cooperate in any way that is within my lawful power or within the scope of my personal ability in carrying out to the spirit and to the letter what I regard as very wise and sound legislation for the protection of our seal herds. I should like the spirit of the Bureau of Fisheries and of the department to be understood as in the broadest way to be in accord with the purposes of the legislation and of your committee.

I think you ought to know that some weeks ago I instructed the Acting Commissioner of Fisheries to omit from the estimates for the coming year the post now filled by the gentleman whose title is that of chief of the Alaska division, Dr. Evermann. I felt that that post was no longer necessary, that it was a needless expense, and I will frankly say that I also felt that Dr. Evermann's attitude toward the legislation which is now the law was not such as seemed to me desirable in the person holding that responsible position. At the same time I gave instructions that the employment by the department of Mr. Lembkey, who was, as I remember, the only survivor of the former staff at the islands, should be terminated, and several days ago I had the pleasure of approving and marking final his last pay check. These changes were made because I deemed it entirely desirable to be rid of any elements that were not in accord with the law as it stands, and because, as I say, the posts were deemed unnecessary.

The intended organization of the bureau under the estimates now pending and which will be presented to the next session will be to do away with the Alaska division, as it has been called, and to place the entire supervision of the Alaska work—fisheries, fur animals on shore, and the seal islands, all of it—under the direct responsibility of Dr. Jones, the deputy commissioner, so that there will be one officer, and he a prominent one, who will be directly responsible for that work.

I have been obliged to proceed with this rather earlier than would have been the case, because of the fact that the law requires my estimates to be in on the 15th. That is in part the reason why I have not the time to remain at your session as I should be glad to do. I must meet with the President in the morning upon the estimates, as they must be ready by the 15th. In courtesy to the Commissioner of Fisheries, who is absent on important business in Europe, I would have preferred to defer making these changes until his return and defer the announcement of them until I could confer with him, but his absence from the city and the fact that these changes had to appear in the estimates, which must be submitted before he returns, have made it necessary to act thus in advance. I have felt it desirable to make this statement, so that you might know, in considering the whole matter, what the attitude of the department was on this subject.

The CHAIRMAN. Mr. Secretary, we thank you for appearing here and giving us this light on your policies, and unless there is objection we will make your statement a part of the hearing.

Mr. McGUIRE. Mr. Secretary, may I ask you a question?

Secretary REDFIELD. Certainly.



Mr. McGUIRE. Do I understand from your statement that you are reducing the force on the islands?

Secretary REDFIELD. No. That force, as I recall—Dr. Jones knows the details more intimately—is fixed by Congress. I think we are leaving out the post of naturalist, are we not?

Dr. JONES. Yes, sir.

Mr. McGUIRE. The changes which you have made——

Secretary REDFIELD (interposing). Were administrative changes.

Mr. McGUIRE. Changes in the method?

Secretary REDFIELD. Changes, to be very frank, in what I regarded as an injudicious continuance of personnel.

Mr. McGUIRE. Principally because you did not regard them as in harmony with the administrative methods of the department?

Secretary REDFIELD. Principally because the places were unnecessary, and I did not feel justified in continuing the expense, and also because they were out of harmony with the administrative policy of the department, and because I felt them to be out of harmony with the law, which law I regard as a sound and wise one.

Mr. McGUIRE. What particular law is that?

Secretary REDFIELD. The law having to do with the five-year closed season for the seal islands.

Mr. McGUIRE. You do not mean to say that they were not willing to comply with the law or to submit to the law?

Secretary REDFIELD. No; I do not mean to accuse those gentlemen of any act of disobedience, but I speak of their mental attitude, their past attitude, which seemed to be inharmonious with the law of Congress.

Mr. McGUIRE. That is all.

The CHAIRMAN. That is all, Mr. Secretary.

Secretary REDFIELD. I am very much obliged to you.

The CHAIRMAN. In accordance with the action of the committee on June 20, the special committee visited the seal islands, and I understand they have a report to make. That report has been printed. Now, Mr. Elliott, will you take that up and submit it in your own way, unless some member of the committee has a suggestion to make?

Mr. WATKINS. Inasmuch as the report is printed and we have access to it, I think it would be better for him to give us an outline and not go into detail, because that would take too much time.

The CHAIRMAN. I understand that there are certain details which Mr. Elliott would like to explain from this map, as he suggested to me this morning.

Mr. WATKINS. Anything which will throw any light on the report.

The CHAIRMAN. Suppose you proceed with it in that way, Mr. Elliott.

Mr. ELLIOTT (reading):

*The chairman and gentlemen of the committee*

On the 31st of August last, Mr. Gallagher and myself submitted to you our report of the condition of the fur seal herd of Alaska as we found that life last summer, and also the result of our examination into the conduct of the public business on the Pribilof Islands.

This report has just been printed by order of the committee and is now on the table before us. Touching it I need say nothing more, but on submitting it to the chairman last August he requested me to prepare a statement as an "expert," and one who for more than 40 years past has had a close personal understanding of the question, to prepare a statement for the use of this committee which would declare the real amount of property loss sustained by the Public Treasury——

Mr. WATKINS. You are reading now from a paper which is not a part of your report?

Mr. ELLIOTT. Yes, sir. I am coming to that point now. [Reading:]

due to the mismanagement of the fur-seal herd by our own agents and officials during the last 20 or 25 years.

I have done so, and now submit it to the committee. But, gentlemen, there is a certain personal equation between that seal-island business and myself which can not be well reduced to writing, and I am going at this point, and before I take up the subject of that loss and its cause, to digress a little. I do so in order that you may fully understand me and my understanding of the questions involved.

As an associate and collaborator of the Smithsonian Institution, I was asked by Prof. Henry and Prof. Baird (secretary and assistant secretary) to go to the Pribilof Islands, in April, 1872, there to study the biology of the fur-seal herd and make drawings from the life and collections of specimens for the Institution. At that time there was absolutely nothing specific known about the herd; no naturalist and artist had ever lived with it or studied it until I did so during the seasons of 1872, 1873, 1874, and 1876; no naturalist had ever given to the literature of this life a single definite or correct impression of it until I published my monograph of the seal islands of Alaska, in 1882, based wholly upon my field notes of 1872-1876, properly elaborated and systematized.

Those findings of fact published by myself 31 years ago have been verified by this committee in the hearings held by it during the last two years. All of the carping and incompetent critics—all of the "scientific" prostitutes who have been busy since 1890 in denying my work have been brought to book under oath here, and compelled to confess their complete ignorance, or worse, in the premises.

Mr. WATKINS. Excuse me. I do not think language of that kind should go into the report.

The CHAIRMAN. No.

Mr. ELLIOTT. Well, change it. As we go into the details, I believe you will see that it expresses the truth.

The CHAIRMAN. You will understand, Mr. Elliott, that the thing to do is to submit facts.

Mr. ELLIOTT. I am coming to the facts. These are facts which I am submitting.

The CHAIRMAN. There should be no characterizations; just let us have the facts.

Mr. ELLIOTT. I have mentioned no names.

Mr. WATKINS. We understand; we do not care to go into this controversy.

Mr. McGUIRE. My own personal opinion is that I would like to have this go into the record, and I will be frank in stating my reason. I do not agree with Dr. Elliott at all, and he has exhibited an uncontrollable feeling all through this matter, which I think makes him entirely incompetent, and there is no better evidence of incompetency than statements of that kind. I think the Congress is entitled to know who it is making the statement and giving this testimony.

Mr. WATKINS. I have not made any motion to strike out it, but I merely made a suggestion that it was extreme.

Mr. McGUIRE. I think you are correct about the statement being extreme, and that is one reason I thought it should go into the record.

Mr. WATKINS. I withdraw my objection.

The CHAIRMAN. We will let this go in, but the witness will have to be cautioned that he shall submit facts and nothing else.

Mr. ELLIOTT. I am going to submit the facts that a man called a scientist has charged me with being the head of a pelagic sealing lobby.



The CHAIRMAN. If anybody has made that charge——

Mr. ELLIOTT (interposing). That is in the hearings, sworn to and not denied. It is a matter of fact that a man called a "scientist" has written a libel on me which was used on the floor of the House, charging me with an infamous offense.

The CHAIRMAN. You are asked to submit the facts. Please proceed.

Mr. ELLIOTT (reading):

This is the personal equation of which I have spoken and which you gentlemen of the committee should understand before I go into the following details. Those critics have studied to deceive this committee, and the public in order that the improper and ruinous work of the private interests, or lessees, should not be checked up, and entirely abolished.

Mr. WATKINS. Is it not the idea that we will stand responsible for any statement of that kind that he makes in this hearing—that is not a part of his official report?

Mr. ELLIOTT. No; this is a personal equation, which I wanted to explain before I go into the details of this matter.

Mr. McGUIRE. In other words, the doctor is giving us the vindictive part of the matter.

Mr. ELLIOTT (reading):

Fortunately for the public interests involved, and most fortunately for my good name and credit, when I went up to the seal islands in 1872 I went free and unbiased. I knew nothing about that life I was to see for the first time and study. No "distinguished and astute" lawyers were busy asking me to prepare "evidence" to sustain their framework of a "case"; no lying "diplomats" were seeking to gain by my work; no greedy, lawless lessees were threatening me with "removal" and "dismissal" from the islands if I failed to meet their wishes.

Nothing of the kind was in my sight, or my hearing, or my knowledge from start to finish of my study of this herd, 1872-1876. Therefore, gentlemen, you observe that I enjoyed unusual advantages, and I used them.

I landed on St. Paul Island April 21, 1872. I was there full two weeks before the very first seals arrived for the season right ahead.

From the hour of the arrival of the first seal bulls in May up to the departure of the vast herd in November following, I followed every movement daily of its organization. I was on the rookeries with my notebooks (and there nights, too). I jotted down in them those hourly occurrences which I saw there; I placed the localities of these occurrences, the time thereof, and date upon every one. Again in 1873 I went all over the grounds, as I had in 1872. I made a final round-up of all these notes. Again during the breeding season of 1874; then in 1876 I made a second final round-up of all these notes and in 1882 published my elaboration and systematic finish of them.

I did all this hard work of earnest survey and investigation because I coveted the credit and honor which always comes to him who does anything well among his fellow men. It lives after his death, to his everlasting good name. Nothing else does.

With this experience and that knowledge of the Pribilof fur-seal herd, Mr. Chairman, I started for the seal islands to carry out your instructions.

Mr. WATKINS. Give us the date, please?

Mr. ELLIOTT. I have it here in the report.

Mr. WATKINS. That is all right.

Mr. ELLIOTT. You first charged me to gain as near an accurate estimate or count of the seal herd as we could find. That we did, my associate, Mr. Gallagher and myself, and before I start in to describe that I want to call your attention to what I mean by "rookeries" and "hauling grounds," so that you will not misunderstand me as we go along.

This [exhibiting] is a sketch map from my survey of the island made in 1872, and published in my monograph of 1882, and on which I

located for the first time in the whole history of this herd, the areas of the rookeries and their locations, down to square feet. These red spots [indicating] are the rookeries, or breeding grounds, upon which the old bulls and females breed. Inside of those breeding grounds no young bull under 6 years of age is ever allowed to stay by the old bulls. Therefore, they haul in back and outside of these rookeries, in between them, and over ground which we call the "hauling grounds." The space occupied by these breeding seals is much smaller, because they have no regular order of concentration, but move around, and they wipe off every vestige of vegetation from those places of hauling. They occupied about 3,200 acres, while the breeding seals only occupied 144 acres in 1872. As I come to speak of the "hauling grounds" and the "rookeries" you will now have a clearer and better understanding of what I mean. There is some confusion in the mind of a person who has never been there, between the non-breeding and the breeding seals, and the "hauling grounds" and the "rookeries."

It was important that we should get there at the "height of the season," when there would be the greatest number to be seen at any one time in the year, and that is between the 10th and 20th of July. We arrived there on the 8th of July and looked into every harem on every rookery of the two islands and made as close an estimate and count as any man with common sense could make. Our conclusions are tabulated on page 5 of our report, thus: Breeding bulls, 1,550; cows, 80,000; and pups born, 70,000; total, 151,550. Then came the question of how many nonbreeding seals there were on the——

Mr. WATKINS (interposing). Does your report show the comparative number now and a few years ago, when you first went there?

Mr. ELLIOTT. Yes; it is all in detail. Then came this troublesome question of estimating—because it is impossible to count them, or even see all of them—the nonbreeding seals. The best we could do was to make an estimate based upon what the birth rate of last year must have been of pups, and then allowing 50 per cent loss as the maximum or 30 per cent as the minimum coming back as "yearlings," would have brought 30,000 yearlings; then adding 6,000 2-year-olds, 3,000 3-year-olds, and 400 4-year-olds, makes a grand total of bulls, cows, and pups for the season of 1913 of 190,950. In 1874 the grand total was 4,700,000; in 1890, when I made my second survey, the grand total was 1,020,000; and this year it is 190,950.

The CHAIRMAN. Can you tell what it was in 1910, when the Government commenced to do the business?

Mr. ELLIOTT. Well, we had a series of official census tables, which declared that in 1910 there were only 137,000, which shows that that was entirely inaccurate. There are 190,000 there this year, and I go into full discussion of that and show why these erroneous tables were sprung upon the committee—namely, that they started with Dr. Jordan's census of 1896 and 1897, in which he said, at the close of 1897 there were only 376,000 seals there, when, in fact, there must have been a million.

Mr. McGUIRE. You testified before the committee during the hearings and gave an estimate as to the number that there must be there. What was your statement?

Mr. ELLIOTT. Taking their figures of 1904 as a starter, I said I could form no sensible conclusion, for if their figures were correct



there would not be a seal there by 1907 or 1908. (See pp. 605, 606, Hearing No. 10.)

Mr. McGUIRE. I thought you estimated about 50,000.

Mr. ELLIOTT. I assumed there were that many breeding cows.

Mr. McGUIRE. Did you not give that testimony?

Mr. ELLIOTT. Yes; I did not know; I had to assume they were there. (See pp. 1004-1012, Hearing No. 14.)

Mr. McGUIRE. You took the figures of these men whose judgment and knowledge you thought so little of?

Mr. ELLIOTT. I had to do it.

Mr. McGUIRE. For your basis in making an estimate?

Mr. ELLIOTT. Yes; I had to; I could not dispute Dr. Jordan's figures until I got up there this year; but I never have assumed that he started right. If he started right then these other censuses, based on his——

Mr. McGUIRE (interposing). The facts are that you did not know whether his figures were right, but now you assume, because there are more seals than you thought there ought to be, that he must have been wrong?

Mr. ELLIOTT. But I did not know exactly about it.

Mr. McGUIRE. The opinion of the agents of the Government was that they were increasing, but you said they were not.

Mr. ELLIOTT. No; they did not say they were increasing.

Mr. McGUIRE. Yes; they said that they were increasing.

Mr. ELLIOTT. That was in 1912.

Mr. McGUIRE. Well, their testimony will show. My recollection is that they said they were increasing.

Mr. ELLIOTT. That was last year, 1912. They suddenly doubled their figures of 1911.

Mr. McGUIRE. You mean by that that they said they were increasing?

Mr. ELLIOTT. But how could they be increasing when the killing was kept up during 1911?

Mr. McGUIRE. What a minute, please; that is your statement.

Mr. ELLIOTT. That is their statement.

Mr. McGUIRE. My recollection is that you said that if their figures were correct there were as many seals there as they said.

Mr. ELLIOTT. "Correct?"

Mr. McGUIRE. That is all.

Mr. ELLIOTT. That is right, but their figures were not correct, because there could not have been, with their census closing on the 1st of August, 1911, 127,745. (See p. 367, Hearing No. 9.)

Mr. McGUIRE. Yes; but that is your conclusion.

Mr. ELLIOTT. Well, how could they——

Mr. McGUIRE (interposing). But as to that, all the rest differ with you.

Mr. ELLIOTT (continuing). But how could they increase when they were killing right up to the 1st of August, 1911, and the pelagic fleet kept right at work until December 15th of that year?

Mr. McGUIRE. But you do not know anything about that.

Mr. ELLIOTT. I know that they did not double, because seals do not double that way, and I know something about the law of life that governs their increasing and decreasing. They could not double in numbers during that year; it was a physical impossibility.

Mr. McGUIRE. I say that is your judgment. Go ahead with your statement.

Mr. ELLIOTT. That is a fact. Passing now from that census, which I have described in detail here (every step of my census of 1872, every step of my census of 1874, and every step of my census of 1890 is detailed in this report), we come to another point of investigation.

When we landed on St. Paul Island July 8 last, one of our first steps in looking into the conduct of public affairs on the islands was to ask the agents of the Bureau of Fisheries to give us their daily journals and official records (the "log books") from 1890 to date. They were brought to us, and we examined them. We found officially entered and recorded in them a specific order of the Treasury Department, dated May 14, 1896, issued by Secretary John G. Carlisle—

The CHAIRMAN (interposing). What page is that on?

Mr. ELLIOTT. It is on pages 75 and 76—an official order issued through Secretary John G. Carlisle, in which the killing of "yearlings and seals whose skins weighed less than 6 pounds" was prohibited. This order was put upon the books of the agents in charge of the islands and published there before the killing began on June 17, 1896; but we find by the records of the London sales that out of the 30,000 that were killed that year over 8,000 of them were yearlings or seals whose skins weighed less than 6 pounds, if properly taken.

Mr. WATKINS. What evidence have you?

Mr. ELLIOTT. I have offered it all in here.

Mr. WATKINS. I know, but what evidence have you that they came from that particular section of the country?

Mr. ELLIOTT. Why, it is all certified here; even the daily killings are put in here, and everything is covered in detail.

Mr. McGUIRE. You know that all of the authorities differ from you on that statement, do you not?

Mr. ELLIOTT. I have heard them each year, and you heard them say why they differ from me.

Mr. McGUIRE. They all differ from you, and you have had no one to corroborate you.

Mr. ELLIOTT. No one to corroborate me?

Mr. McGUIRE. No one.

Mr. ELLIOTT. Why do I want anybody to corroborate a fact?

Mr. McGUIRE. I am inclined to think you are right about that.

Mr. ELLIOTT. Give me a fact and I care nothing for the thousands who may dispute it.

Mr. McGUIRE. I think that is true.

Mr. ELLIOTT. It is nothing to me at all—that is, whether they differ with me.

The CHAIRMAN. Your statement is to the effect that with these regulations of Secretary Carlisle on the records, and known to these men, that they should not kill a seal whose skin weighed less than 6 pounds, they killed 8,000 in violation of those regulations?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. In 1896?

Mr. ELLIOTT. Immediately following the publication of that order which prohibited that killing.

The CHAIRMAN. How do you know that?

Mr. ELLIOTT. By the record of sales in London, which shows that out of 30,000 skins sent there that year—

Mr. WATKINS (interposing). Was it shown that they came from that territory?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. Who is responsible for the killing of 8,000 seals in violation of that order, issued in 1896?

Mr. ELLIOTT. I think the officials of the Government in charge at that time.

The CHAIRMAN. Well, mention the names, if you know of anybody.

Mr. ELLIOTT. Well, I describe it in detail here, beginning with Dr. Jordan in 1896 and ending with Williams and I. Stanley Brown in 1890-91 and Lembkey in 1909-10.

The CHAIRMAN. Describe it to the committee.

Mr. WATKINS. You are sworn, and we are taking your evidence.

Mr. ELLIOTT. I am making a sworn statement.

Mr. WATKINS. What we want to know is what you now state under oath with reference to it.

Mr. ELLIOTT. I will state all of this detail in my report under oath. I wish to put my report in, under oath, to save the asking of all these questions, because the details are all there which the gentleman is asking for, and his questions would indicate that he has evidently not seen the report.

Mr. WATKINS. I have not.

Mr. ELLIOTT. Then I begin to understand why you ask these questions and I wish to have this put in, under oath, as my statement; that is, my report.

The CHAIRMAN. That will go in, but I take it for granted——

Mr. ELLIOTT (interposing). I have got all the details in here, on pages 75-84, inclusive, of my report under "Exhibit B."

Mr. WATKINS. But his report is not to be incorporated in the stenographer's report.

The CHAIRMAN. Oh, no.

Mr. WATKINS. Because it is already in print.

The CHAIRMAN. What I wish to ask you is this: Who was the special agent of the Government on the seal islands in 1896?

Mr. ELLIOTT. In 1896 the special agent of the Government in charge of the seal islands was one J. B. Crowley, who was placed under Dr. D. S. Jordan, by supplementary orders. Crowley entered this May 14, 1896—Secretary Carlisle's—order of the department on June 17 following, but Dr. Jordan came up soon after, and took charge of the whole killing. J. Stanley-Brown was the agent of the lessees, and the two men cooperated together. Then Dr. Jordan sent a report to the Treasury Department in which he said no yearlings were killed that year.

The CHAIRMAN. All of that is mentioned in your report?

Mr. ELLIOTT. It is all in here. He knew what a yearling seal was, and he knew that they killed 8,000 yearlings that year.

Mr. McGUIRE. Mr. Chairman, there are gentlemen here who were not members of the committee at the time of the previous hearings, and probably they want to hear this in detail, but these details were all gone into some time ago.

The CHAIRMAN. You mean the hearings in the last Congress?

Mr. McGUIRE. Yes.

The CHAIRMAN. But we did not know anything about these regulations being on record up there. That was news to me.



Mr. ELLIOTT. They were suppressed from the committee.

Mr. McGUIRE. I do not know anything about the records up there, but we have in the testimony details as to the killing of seals. The department officials and scientists were brought here as to these measurements, and from that testimony Mr. Elliott reached his conclusion that they were yearlings. But they all differed from Mr. Elliott. Now, personally I understand this to be just a recapitulation of the testimony that we have already received except as to these records about which he speaks. While I do care about the records, I do not care to go over this again; I know his testimony, and know the testimony of all the rest of them.

The CHAIRMAN. I do not think he went into this; I never heard who was responsible for the killing of these young seals and whether there was an order from Secretary Carlisle on record when this was done, and if that is the case it brings us back to this: I would like to know who is responsible for killing seals in violation of Treasury orders, whether they were the lessees, the Government agents, or anybody else. I consider that the entire combination is responsible to the Government if that fact is true.

Mr. McGUIRE. Certainly, but here is my position: That if Mr. Elliott is permitted to recapitulate this for the sake of emphasis—

The CHAIRMAN. Oh, no.

Mr. McGUIRE. That it would be proper to call persons who were more competent than he and who were in charge, and all that sort of thing, in order to determine whether any order of the Treasury Department was violated. Now, my position is that the preponderance of testimony is against Mr. Elliott; that is my position. The chairman may feel different about it, but the thing that seems unfair to Dr. David Starr Jordan, whom we all respect as one of the eminent men of the country, is to allow some statements to go in the record that might require his attendance or do him an injustice, and the same is true of the officials of the department, and I also doubt whether we want to go back and go over these hearings again.

The CHAIRMAN. I never heard that David Starr Jordan was to be held responsible for the unlawful killing of seals as a matter of violating Secretary Carlisle's order, and if it can be shown that he was on the islands and did order the killing of seals in violation of the regulations, we certainly ought to know it, and then Dr. Jordan can come here or stay in California, as he pleases. However, what I would like to ask Mr. Elliott is this: What facts can you submit to show that he is responsible for that?

Mr. ELLIOTT. They are all in this report, in complete, authentic detail.

The CHAIRMAN. Explain it to the committee.

Mr. ELLIOTT. I have. I have said that he had full knowledge of those regulations, because they were published on the islands a week before he got there. He came up with supplementary orders, governed everything, and took full authority. He had absolute control of the killing, and then he reported to the Treasury Department, on November 1, 1896, that 30,000 seals were killed during that year; that 20,000 of them were 3-year-olds, and that the balance were large 2-year-olds, when in fact not over 7,500 of them were 3-year-olds and eight thousand and odd—taking Lembkey's testimony,

13,000 of them—were yearlings; but I say 8,000 to be safe and sure that I have got him.

Mr. McGUIRE. Do you say that Lembkey's statement was that there were 13,000 of them yearlings?

Mr. ELLIOTT. Lembkey's statement of the length of a yearling skin was——

Mr. McGUIRE (interposing). You just stated that Lembkey stated that 13,000 of them were yearlings. Did you or did you not say that?

Mr. ELLIOTT. I mean, Lembkey—what I said I am not sure about—but I mean I had this in mind, that Lembkey's statement before this committee was that a yearling sealskin was  $36\frac{1}{2}$  inches long, and, taking his statement as my guide, over 13,000 of them were not over  $36\frac{1}{2}$  inches long of this 30,000.

Mr. McGUIRE. As a matter of fact, where you differ from all these other gentlemen is on your computation as to the measurement of skins, weights, etc.?

Mr. ELLIOTT. There is no computation about it, it is a fact; they are so long and so wide.

Mr. McGUIRE. I know; but your difference with the gentlemen is as to the measurements and weights?

Mr. ELLIOTT. But your scientists came before this committee, and said they did not know anything about it; not one knew anything about it; but Lembkey did.

Mr. McGUIRE. They did not say that.

Mr. ELLIOTT. They did say that.

Mr. McGUIRE. Well, they did not.

Mr. ELLIOTT. They said that before the committee, and you have got their testimony to the effect that not one knows a thing about a yearling seal.

Mr. McGUIRE. That is your contention.

Mr. ELLIOTT. It is in the testimony; just look at their testimony.

Mr. McGUIRE. I have looked at it, and you differ from them; that is all there is to it.

Mr. ELLIOTT. I inquired of them and they could not say; they declared they did not know what a yearling seal was, and that is in the record here.

Mr. McGUIRE. Well, if it is in the record that is all there is to it.

The CHAIRMAN. My recollection of that is this: That I asked these men to come here at the suggestion of Secretary Nagel and they came, and they said they did not remember anything about it; that is my recollection of it. I may be mistaken, but we will look at the testimony in the hearings.

Mr. McGUIRE. If you remember, he differed with them as to the measurements and weights; that it was a question whether the fat was left on the skins, and all that sort of thing; and they differed with Mr. Elliott and said there were no yearlings killed. Personally I have not followed this as closely as I might except since the Government took charge, but after the Government took charge I did follow it very closely. I am quite familiar with the testimony of those people and I know where they differed from Mr. Elliott and where they did not differ, and I know how many differed from him. The only reason I object—I really am not objecting, but from what I have read of the testimony and the statements of Dr. Jordan, whom I regard as a man

of high character and a man of ability, I doubt whether it is doing justice to him to let these broad and sweeping statements into the record without giving him a chance at least to make a statement afterwards.

The CHAIRMAN. Oh, that right will be accorded him.

Mr. ELLIOTT. He ought to have come before the committee as quickly as the swiftest train could bring him here when I publicly charged him with it, more than a year ago (see Hearing No. 14, pp. 950, 951), but he did not come, and why did he not come? Because, like every one of his associates, he did not know anything about it. Here is Dr. Stejneger, on page 915 of Hearing No. 14, saying that he did not know anything about the length or the weight of a yearling seal. Here is Dr. Merriam——

The CHAIRMAN (interposing). Please read it.

Mr. McGUIRE. Let him go ahead and clear that up.

Mr. ELLIOTT. I will clear that right up now. [Reading:]

The CHAIRMAN. Mr. Elliott, do you want to ask him any questions?

Mr. ELLIOTT. I have only a few questions to ask him. Dr. Stejneger, what is the length of a yearling fur seal of the Alaskan herd?

Dr. STEJNEGER. I could not tell you.

Mr. ELLIOTT. Have you ever measured one of the Alaskan herd?

Dr. STEJNEGER. No.

Mr. ELLIOTT. You do not know anything about the length of a skin of a yearling seal as taken from the body?

Dr. STEJNEGER. Of a yearling seal? I do not know; I have never seen a yearling seal killed on the American islands.

Mr. McGUIRE. Have you read all of his testimony?

Mr. ELLIOTT. Yes, all on that point; then it goes on to another subject. That is all he states about a yearling seal in any of his testimony.

Mr. McGUIRE. He does not say anything about the condition or weight of a seal?

Mr. ELLIOTT. Nothing; not a word.

Mr. McGUIRE. Do the others?

Mr. ELLIOTT. Not one of them. Now, I will come to the others. [Reading:]

Dr. C. Hartt Merriam, member of advisory board, fur seal service, Department of Commerce and Labor (p. 692, Hearing No. 11):

The CHAIRMAN. Well, how long have you been on the advisory board.

Dr. MERRIAM. Since the beginning. I do not remember the date; but I have been absent from the city during a number of the sittings of that committee, as I am engaged in field work in the West at least half of every year, and therefore have not been in Washington at the time most of these meetings were held.

The CHAIRMAN. Were you at the meeting of the advisory board that the previous witness referred to in his testimony?

Dr. MERRIAM. I do not remember any such meeting.

The CHAIRMAN. Are you a member of the board now?

Dr. MERRIAM. Yes.

On page 99, Hearing No. 11:

Mr. ELLIOTT. Doctor, while you were on the islands did you ascertain the length and weight of a yearling seal?

Dr. MERRIAM. I did not.

Mr. ELLIOTT. Do you know anything about the length and the weight of a yearling-seal skin?

Dr. MERRIAM. Nothing.

Mr. ELLIOTT. One question more: I understood you to say that you had not been in consultation with Mr. Bowers when he issued his orders for killing 13,000 seals in 1910.



Dr. MERRIAM. I do not think I was present at any conference when that matter was up.

Mr. McGUIRE. I remember those things.

Mr. ELLIOTT. I will go through all of it since you have raised a question about my statements.

Mr. McGUIRE. That is all right.

Mr. ELLIOTT. Everyone said they did not know anything about a yearling seal.

Mr. McGUIRE. Did not Dr. Evermann and Lembkey testify about that?

Mr. ELLIOTT. Lembkey knew; he testified and I have got him.

Mr. McGUIRE. And so did some others, that some had not taken measurements, but that others had.

Mr. ELLIOTT. No other man except Lembkey, knew anything about it, according to this testimony. You can not find a man who knew except Lembkey. Lembkey said a yearling skin measured 36½ inches long; he knew all right, and I have got him for killing seals whose skins only reached 34 inches long; and, to be sure that I have got him, every one of these tabulations of yearling skins given by me to this committee has been based on skins not exceeding 34 inches long. Mr. Lembkey was the only man who knew, and these scientists came here and did not know anything about it when we got them under oath and confined them to facts; but they could go out behind my back and ridicule me; yet, they did not know.

The CHAIRMAN. That is neither here nor there. Were any skins taken by Lembkey under 36 inches?

Mr. ELLIOTT. He identified 7,733 skins out of 12,920, which he took in 1910, and not one of them exceeded in length 34 inches.

The CHAIRMAN. Were they skins taken in violation of the regulations?

Mr. ELLIOTT. Certainly they were.

The CHAIRMAN. How do you know?

Mr. ELLIOTT. Because he himself testified that the regulations said that no seal should be taken under two years of age, and he himself (in Hearing No. 9, p. 372), said he was bound by those regulations.

The CHAIRMAN. I notice the regulation provides that no seals shall be killed whose skins weigh less than 6 pounds.

Mr. ELLIOTT. Yes; and then that no seals shall be taken under 2 years of age, and then they fixed a skin weight of 5 pounds to deceive the committee.

Mr. McGUIRE. That is your statement and your conclusion.

Mr. ELLIOTT. The records in London will show that.

The CHAIRMAN. Let me ask you a few questions. What were they reporting to the Bureau of Fisheries?

Mr. ELLIOTT. Nothing but weights.

The CHAIRMAN. Anything as to sizes?

Mr. ELLIOTT. No.

The CHAIRMAN. Were they reporting them as weighing 4 pounds, 5 pounds, or 6?

Mr. ELLIOTT. Yes; all kinds of pounds, up to 8 and down to 4½.

Mr. WATKINS. What would be the age of a seal that would give a skin weighing 5 pounds?

Mr. ELLIOTT. It would be a "long" yearling or a "short" 2-year-old.

Mr. McGUIRE. That is another proposition on which you differ.

The CHAIRMAN. Let me ask you whether the skins were reported by Lembkey and his agents by weights and not by sizes?

Mr. ELLIOTT. Not by sizes, but by weights; but they are all classified in London by sizes, by measurements.

The CHAIRMAN. What does the London classification show as to these 7,700 that you just mentioned?

Mr. ELLIOTT. It shows that not one of them exceeded in length—not one of them was more than  $33\frac{1}{2}$  inches long.

Mr. WATKINS. Did it show anything about the weights?

Mr. ELLIOTT. The weights were put down, and I am going to bring that in.

The CHAIRMAN. But the London people did not go by weights?

Mr. ELLIOTT. No.

The CHAIRMAN. But they reported them by weights to the Bureau of Fisheries?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. What did it show there as to——

Mr. ELLIOTT (interposing). It showed they were all big skins.

The CHAIRMAN. How did they happen to be large skins?

Mr. ELLIOTT. By putting blubber on the little skins.

The CHAIRMAN. But I have always understood you to say that the blubber did not make any difference.

Mr. ELLIOTT. I said it does increase the weight; that is, according to the blubber and salt used.

Mr. McGUIRE. We have those London sheets here.

Mr. ELLIOTT. Yes; we have them right in the testimony.

The CHAIRMAN. I wish to say that I have made it a point to look into that matter and I found that it is the best way to determine the ages of these seals, or as to whether they were killing undersized seals, and I found out how they had been making their reports as to the killing of seals to the Bureau of Fisheries by reporting so many skins that weighed, we will say, 6 pounds and 6 ounces, and so many other skins as weighing 7 pounds and 8 ounces, and so on, but never by size. Then, when the bureau sells the skins in London, they find out that skins that have been marked here as weighing about the same vary in size. When the blubber is taken out, one skin is found to be a large one and another skin is found to be a small one, while, according to the report to the Bureau of Fisheries, it is made to appear that, so far as the weights are concerned, they are of the same size. When the skins are tested in London as to size, it will be found that a certain skin was taken from a small seal, although a person looking at the report in the bureau would suppose that the skin was taken from a seal between 2 and 3 years old. You see, they leave the blubber on the skin, thereby adding to its weight, and the record here would indicate that it was taken from a seal between 2 and 3 years old.

The record here would show that the skin weighed over 5 pounds so as to conform to the regulations. Now, if that is so, it looks to me like a deliberate attempt to make the skins appear as though they were taken from large seals, when, as a matter of fact, they are small skins and their weight is increased by reason of the blubber being left on them. Is that the result of your investigation?

Mr. ELLIOTT. You are entirely correct, Mr. Chairman, in your conclusions. It has been their regular practice; and, I give all the details of it in this report.

Mr. McGUIRE. Have you any authority for that except this document? Is there any evidence or testimony given by anybody under oath as to that?

The CHAIRMAN. I only meant to state in a general way what I had investigated and what was the result of my looking into the matter. It appears that these skins were reported by weight, but when, for instance, two skins were received in London, each weighing, say, 6 pounds and 8 ounces, according to the reports made to the bureau, yet, when the blubber was scraped off of them in London——

Mr. ELLIOTT (interposing). When they put the measurements on, Mr. Chairman. They put the measurements right on.

The CHAIRMAN. When they get rid of the blubber, they will find that one is a small skin and the other is a large skin, notwithstanding the fact that their weights were reported as the same.

Mr. McGUIRE. The reason I asked the question was that my recollection of the testimony of the witnesses is different. (Of course I have made no investigation such as you have. The testimony was to the effect that they reported to the department by weight and that the parties to whom the Government sold the skins in England bought them by measurement?)

The CHAIRMAN. Yes, sir.

Mr. McGUIRE. And the tables of the measurements are on file here.

The CHAIRMAN. Yes, sir.

Mr. McGUIRE. And the dispute has been as to the measurements; that is, the contention has been made that a skin might vary from two-eighths to five-eighths of an inch in size, depending upon where the skin was cut from behind or from the head and tail. I think they said there was a variation of from two-eighths to five-eighths of an inch, which showed that it was unsafe to go by measurement. As I understood the testimony here, that is where all of this difficulty came from. Witnesses have differed, and I think they differed from you on the question of the effect produced on the skins after they had been salted, some contending that salt would take out the juices and make the skins lighter and others contending that the effect of salt was to make the skins heavier; that is, that they could not extract it——

Mr. WATKINS (interposing). Would not the application of salt add to the weight of a skin?

Mr. McGUIRE. Yes, sir; but the question was whether, after shaking and extracting the salt from the skins, it did not eliminate juices from the blubber, and thus make the skin lighter. All that is in the evidence, and there was a contention about it, the doctor here contending that the salt could not be extracted and that you could not take it out, while others, testifying from actual experience in the matter, contended that the salt causes the juices to exude from the skins, thus making them lighter. You will find that all through the evidence. Is that your recollection, Mr. Chairman?

The CHAIRMAN. My recollection of the evidence is that salting makes very little difference one way or the other.

Mr. McGUIRE. Makes very little difference?



Mr. ELLIOTT. It makes a difference of from one-fourth to one-half a pound in weight. I testified to that effect, and everybody opposed me——

Mr. McGUIRE. My recollection was——

Mr. ELLIOTT (interposing). They all opposed me, but I alone brought in proof of my statement. I will read from our report (p. 112) what was done in 1904:

Lembkey tells the truth in 1904, and records the fact that salting sealskins increases their weight.

Chief Special Agent Lembkey makes the following entry on page 149 of the journal of the Government agent on St. Paul Island, Alaska, to wit:

SATURDAY, JULY 23, 1904.

On July 18, 107 skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the kench and reweighed.

At the time of killing they weighed 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin.

A true copy, made July 22, 1913.

Attest:

HENRY W. ELLIOTT,  
A. F. GALLAGHER.

*Agents House Committee on Expenditures in the Department of Commerce.*

But Lembkey falls from truth above—falls hard. (Hearing No. 9, pp. 446, Apr. 12, 1912, House Committee on Expenditures in the Department of Commerce and Labor.)

Mr. ELLIOTT. Mr. Lembkey, you say you never have weighed these skins after you have salted them? You have never weighed them?

Mr. LEMBKEY. I have never weighed them after the salting on the islands; no, sir.

There is one of your authorities that impressed you, Mr. McGuire.

Mr. McGUIRE. I do not see that it makes any change——

Mr. ELLIOTT (interposing). It does make a change of one-half a pound perskin of increase in weight. In Hearing No. 9, pages 445–446, April 13, 1912, House Committee on Expenditures in the Department of Commerce and Labor, Mr. Lembkey goes on to say, "All our experiments show that the salting of skins slightly decrease the weight."

The CHAIRMAN. That was my recollection.

Mr. ELLIOTT. That was what the officials of the Bureau of Fisheries said, and here is their chief authority. The only practical man who has handled thousands and tens of thousands of skins, says that it does increase the weight.

Mr. McGUIRE. Are you talking about Mr. Lembkey, Doctor?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And he says it does increase the weight?

Mr. ELLIOTT. Yes, sir; there was a gain in salting of 54½ pounds, or one-half pound per skin.

Mr. McGUIRE. Upon that question, if I remember the testimony correctly, it brought in the element of time, and the question of how much of the salt could be extracted. Now, I do not catch anything there in that testimony that would affect anything except the present time. Of course, it would increase the weight when first applied, but after the salt has had time to work out its effect upon the skin, after the chemical processes that go on have been completed, then, when you extract the salt, these juices are eliminated. You do not take this element of time into account.

Mr. ELLIOTT. The element of time comes in with the British report. Here is their report. Let me read from page 113 of the report:

Mr. ELLIOTT. Now, in Senate Executive Document No. 177, Fifty-third Congress, second session, pages 117 and 118 (S. Ex. Doc. 177, pt. 7), counter case of the United

States, on page 118, the United States commissioners, Merriam and Mendenhall, have this to say touching the salted weights:

The British commissioners further rely upon Mr. Elliott's statement that skins weigh from  $5\frac{1}{2}$  pounds to 12 pounds (sec. 672), and upon the comparison of such statement with that of Lieut. Maynard, an independent observer, who gives the average weight of bundles as 22 pounds and the weight of the largest as 64 pounds (sec. 672); this appears to the commissioners to require some explanation (sec. 673). The implication is evident, and the United States offer the explanation in vindication of the officers of the Government who are thus charged. A bundle contains not only the two skins proper, but salt and blubber with which they are packed for their preservation. This naturally adds greatly to the weight, as does also the moisture collected by the salt and fur.

That sustains me completely about the increased weight of "green" skins after they are cured on the islands, and our Government carried that claim as a voucher to Paris. It was never disputed by either side at those sessions of the Bering Sea Tribunal, held there from April to August, 1893.

The CHAIRMAN. It is 12 o'clock, and I think we will adjourn now.

Mr. McGUIRE. In case Mr. Elliott is to make any more statements, I think Dr. Evermann and Mr. Lembkey should be subpoenaed.

The CHAIRMAN. Well, bring them in here; that is all right, but I do not care to subpoena anybody.

Mr. JONES. Dr. Evermann is out West, and he probably will not be at home until about November 1. He probably will not be here until then, unless you wish him to appear. I do not know where Mr. Lembkey is now.

Mr. ALLEN. He is in the city, or was a few days ago.

The CHAIRMAN. It is my desire to allow everybody to come in now if they wish to hear what is going on. I wish to say this, that so far as I am concerned, though not speaking for the committee, it looks to me as if blubber had been added to the skins to increase the weight of skins taken from small seals that were killed on the islands, and I would like to have that cleared up. If the skin taken from a small seal is blubbered to the extent of about 2 or  $2\frac{1}{2}$  pounds, and it is reported by our agent on the island to weigh as much as the skin taken from a seal that is much larger than that in order to bring it within the regulations, I think this committee and Congress ought to know it, and if that is done, I have no doubt the lessees on those islands should be held responsible.

Mr. McGUIRE. I do not want to be misunderstood, but up to date from the hearings before the committee—I do not know what the outside information is—I differ from the chairman as to the amount of blubber that has been taken from the seals for the purpose of adding to the weight of the skins. There are various reasons for that view. In the first place, there is no occasion for it, because, after the Government took charge of the business, nobody could get anything out of it. Now, as to what occurred prior to that time, I have not gone into very extensively, but I never thought that a good reason. But I differ apparently from the chairman and from the testimony now given on the question of whether an unnecessary amount of blubber is left on the skins. I also differ from the doctor and from the chairman on the question of how many, if any, yearlings were taken. Now, the reason why I thought these parties ought to be heard, if the doctor is to run over this question of measurements again, is because it is evident that they all differ from him, and, to be frank about it, I think the doctor exhibited a good deal of animosity, and I think they did, too, or some of them did. I think Dr. Jordan is too

big a man to be affected by this matter, and, I think, the rest of them are. While the testimony of some of the witnesses was more complete than that of others, it always occurred to me that the burden of the testimony largely was that this was a fight by the doctor here on some scientific men and on some parties in the department. Now, if there is other testimony outside that has not come in, that there was blubber left on the skins, and if I am wrong about it, Mr. Chairman, I would like to know it.

Mr. ELLIOTT. The evidence is right before you.

The CHAIRMAN. Your testimony, Mr. Elliott, will likely be continued, and I wish you would go over that proposition and submit it to the committee. I will ask you to do that.

Mr. ELLIOTT. It is all set forth here in detail——

The CHAIRMAN (interposing). But we want it in these hearings. If there is any testimony bearing on this proposition——

Mr. ELLIOTT (interposing). It is all here.

The CHAIRMAN (continuing). I want you to submit it to the committee.

Mr. ELLIOTT. It has been submitted here in my report just submitted to you, under oath. I can not see how any more evidence could be submitted than the 400 loaded skins and unloaded skins, all weighed and measured in public on the islands and certified to.

The CHAIRMAN. That is this case?

Mr. McGUIRE. That was this summer?

Mr. ELLIOTT. Right now. It has been done that way since 1896.

The CHAIRMAN. The skins have been blubbered, and small skins, measuring, perhaps, 34 inches, weigh as much as skins measuring 39 inches or more.

Mr. McGUIRE. Was that done this summer?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. These parties, then, are not responsible for what was done this year.

Mr. WATKINS. During this session of the committee a remark has been made, going to indicate that the witness had some animosity and that he had displayed a good deal of feeling in his statements. Now, if that statement goes into the record I would like to express the view that, while he has shown considerable feeling, it is due, in my opinion, largely to the fact that he is trying to defend himself against attacks made on him and not on account of any animosity he feels toward other people.

Mr. ELLIOTT. That is entirely so, and I thank you for that statement.

The CHAIRMAN. The fact is that I would say the same thing of the other men who have appeared here—that is, that they have shown feeling.

Mr. McGUIRE. It seems to be a quarrel.

Mr. ELLIOTT. I object to that statement; it is not a quarrel; it is no quarrel at all, and I object to your statement.

Mr. McGUIRE. Do not say anything further to me now.

(Thereupon, at 12.10 o'clock p. m., the committee adjourned subject to the call of the chairman.)



COMMITTEE ON EXPENDITURES IN  
THE DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Saturday, January 17, 1914.*

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Hon. John H. Rothermel, Hon. John H. Stephens, Hon. John T. Watkins, and Hon. Allan B. Walsh.

The CHAIRMAN. The committee will come to order. There is a quorum present, and we will proceed.

Mr. STEPHENS. Mr. Chairman, this committee, on June 20, 1913, appointed Henry W. Elliott and Andrew F. Gallagher as its agents to report upon the condition of the fur-seal herd of Alaska, and the conduct of the public business on the Pribilof Islands; on August 31, 1913, they reported to the chairman of this committee as follows:

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## **THE REPORT**

OF THE SPECIAL AGENTS OF THE HOUSE COMMITTEE ON  
EXPENDITURES IN THE DEPARTMENT OF COMMERCE UPON  
THE CONDITION OF THE FUR-SEAL HERD OF ALASKA AND  
THE CONDUCT OF THE PUBLIC BUSINESS ON THE PRIBILOF  
ISLANDS, AS ORDERED BY THE COMMITTEE JUNE 20, 1913,  
AND MADE BY THE SAID AGENTS AUGUST 31, 1913, TO THE  
CHAIRMAN, HON. J. H. ROTHERMEL, BY HENRY W. ELLIOTT  
AND ANDREW F. GALLAGHER, AGENTS OF COMMITTEE





# FUR-SEAL HERD OF ALASKA.

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COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., June 20, 1913.*

The committee met at 10.30 a m., Hon. John H. Rothermel, chairman, presiding.

Present: Hon. John H. Stevens, Hon. John T. Watkins, and Hon. Charles E. Patton.

The CHAIRMAN. The meeting this morning is called for the purpose of organizing the committee and for the purpose of submitting the proposition of engaging certain persons to visit the Pribilof Islands.

On motion of Hon. John H. Stevens, the chairman was authorized to select a clerk of the committee.

On motion of Hon. John T. Watkins, the following resolution was adopted:

*Ordered*, That Henry W. Elliott is hereby appointed as a duly qualified expert to gather certain information touching the conduct of public affairs on the seal islands of Alaska as the chairman of the committee shall require, and that Andrew F. Gallagher is hereby appointed as a duly qualified expert stenographer and notary to accompany Mr. Elliott and record the details of that information as it shall be developed under the instructions of the chairman.

On the adoption of the resolution the vote was as follows:

Ayes, Hon. John H. Stevens and Hon. John T. Watkins; noes, Hon. Charles E. Patton.

There was no further business to transact, consequently the committee adjourned at 11.10 a. m. to reconvene at the call of the chairman.

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## REPORT OF THE SPECIAL AGENTS.

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WASHINGTON, D. C., *August 31, 1913.*

HON. JOHN H. ROTHERMEL,

*Chairman House Committee on*

*Expenditures in Department of Commerce,*

*House of Representatives, Washington, D. C.*

SIR: On the 21st of last June we received from your hands our appointment as special agents of your committee duly authorized by its action on that day. Your letter of notice ordered us to proceed without delay to the seal islands of Alaska by the most direct

route and make a thorough examination into the condition of the fur-seal herd thereon as we should find it and into all details of the conduct of the public business thereon since May 1, 1890, up to date.

We therefore proceeded direct to Seattle, Wash., and took passage on the Nome steamer *Victoria*, which sailed July 1, 3.40 p. m. As this vessel never stops at the seal islands, through the kindness of the Secretary of the Treasury we were met in Onimak Pass on July 7 last and taken on board the United States revenue cutter *Tahoma*, Capt. Chiswell, who landed us at St. Paul Island on July 8 last.

Agreeably to our instructions, we at once took up and finished the following subjects of direct personal study and investigation:

I. *July 10 to 20.*—A personal survey was made of every one of the 17 breeding grounds or "rookeries" of the fur seals on St. George and St. Paul Islands. We looked into every harem, and made as reasonable and accurate a count of the bulls and cows therein as men of common sense can make.<sup>1</sup> We found this herd to-day is so far depleted from its form of 1872, and then of 1890, that the same methods of enumeration, which must be used as they were used then, by Mr. Elliott, when there were 4,700,000 and then later 1,000,000 seals, could not be employed; so, a careful estimate and counting of the adult breeding seals in each harem, when they were not "massed," was made by us, and it gives the following figures and—

(a) Has developed the fact that only a minute fraction of the proper number of young bulls were seen on the breeding grounds, and that the old bulls thereon were so few and far between that they often had harems of 100 to 120 females; that the average harem was at least 55 cows,<sup>2</sup> instead of being 20, which is the normal number when the herd is in its best form.

(b) This situation up there, as above stated, makes the case fairly desperate, and it would speedily result in the complete extermination of the male breeding life of these Pribilof preserves and "rookeries" if it were not for the close time now ordered by law of August 24, 1912, which forces a total suspension of all killing of young male seals on the islands, except for the food of natives, during the next five years.

(c) There are some 56,000 cows on the St. Paul breeding grounds and about 16,000 on St. George, or 72,000 pupping cows this season of 1913. To this number we may safely add some 7,000 nubles, making in all about 80,000 cows for this year of 1913. The 72,000 pups of 1913 (less about 2 per cent death rate for natural causes), or 70,000 pups in round numbers, and some 1,400 old bulls, with less

<sup>1</sup> We gave the subject of the "counting" of "live pups" with a view to getting a fair idea of its sense and accuracy in determining the numbers of breeding seals on these Pribilof rookeries very close attention.

A careful study of the work as it has been done on St. George and St. Paul Islands, beginning in 1901 and ending in 1912, warrants our statement that it is not an accurate census when said to be so made. It is an estimate only, and one that is arrived at by making a highly injurious disturbance on the breeding grounds; it should be prohibited as idle and positively detrimental. The unanimous objection of the natives to this job of "counting" live pups as one of the chief causes of injury to the herd is expressed in detail. (See Exhibit E postea.)

That the men who have officially done this work of "counting live" pups for an "accurate" census since 1901 to date do not believe in it, and think it is inaccurate and should be stopped, is well exhibited by copies of their entries made officially in the journals of St. George and St. Paul. Some of these we submit in proof of the above, as Exhibit F postea.

<sup>2</sup> This average is misleading, in fact, though it is the only figure which can be used, unless it is qualified as follows: For instance, take a series of harems on the reef, between stations F and E; here there are 25; 1 bull has 200 cows, 6 bulls have each more than 100, 3 bulls have each 50, 10 bulls have from 12 to 25 cows each, 3 bulls only 2 cows, and 2 bulls have none; thus 25 bulls, 1,136 cows, or average of 45 cows to a bull.

That is, in truth, not so. There are 10 bulls with 1,050 cows, or 100 cows each, while the other 15 bulls have but 186 cows between them. As they do not meddle with any cows except as hauled out in their respective harems, the average distribution of service, at 45 cows to the bull, is wholly misleading.

than 150 young bulls make up the following sum total of the breeding strength of the fur-seal herd for this season of 1913, to wit:

Old bulls (8 to 15 years old).....	1, 400
Young bulls (6 to 7 years old).....	150
Cows, primipares, multipares, and nubile.....	80, 000
Pups.....	70, 000

Total (♂, ♀, and o)..... 151, 550 .

Then add (a vague estimate):

Yearlings (♂ and ♀).....	30, 000
2-year olds (♂).....	6, 000
3-year olds (♂).....	3, 000
4-year olds (♂).....	400

Grand total seals (♂, ♀, and o, season of 1913)..... 190, 950

*Table showing the relative size of the fur-seal herd of 1913 when contrasted with its form in 1874 and 1890.<sup>1</sup>*

Years.	Old bulls.	Young bulls.	Cows—nubile, primipares, and multipares.	Pups.	Grand total.	Remarks.
1874	90,000	30,000	1,608,040	1,300,000	3,028,040	
1890	11,000	500	480,000	460,000	951,500	Or only one-third of the 1874 herd of breeding seals and young.
1913	1,400	150	80,000	70,000	151,550	Or only one-twentieth of the 1874 herd of breeding seals and young.

<sup>1</sup> The nonbreeding yearlings and 2, 3, 4, and 5 year old males are not included in this table, since they can not be reasonably estimated for (during the last 20 years); they had practically disappeared from the island grounds when looked for in 1913.

NOTE.—These figures declare the fact that the decrease from 1874 to 1890 was a loss of two-thirds of this herd's breeding strength.

Then, they declare the fact that that decrease from 1890 to 1913 shows clearly that the herd has suffered a loss of five-sixth of its breeding strength during this interval and is close to the verge of complete destruction of its virile male life<sup>1</sup> unless it is fully shielded from killing on the islands and the sea for a term of years ahead.

(See detailed discussion and figures, in Exhibit A, postea.)

II. *July 21.*—A careful examination was made of the official seal island agent's journals, or "log books," as kept in the office of the United States agents on St. Paul Island, from 1890 to date.

<sup>1</sup> That serious matter of the lack of breeding bulls, or of the utter absence of surplus or young virile male life on the rookeries, during this season of 1913, makes the following statement, given to Hon. E. W. Townsend by George A. Clark, under date of Feb. 28, 1913, significant, since he has declared that "the condition of the herd to-day is an ideal one."

"STANFORD UNIVERSITY, CALIFORNIA, February 28, 1913.

"DEAR SIR: \* \* \* I was on the Pribilof Islands during the season of 1896-97, under Dr. Jordan, and participated actively in the work of investigation, in addition to having the benefit of all the training and experience of the other members of the commission. I did the actual work of counting, and know that there were three idle and young bulls for every bull in active service on the rookeries in those seasons. \* \* \* I was again on the islands in 1909, and again counted the bulls—one idle or reserve bull for each two in service. \* \* \* I visited the islands again last summer (1912) and found conditions as they were in 1909. These are facts, not conjectures and opinions. \* \* \*

"GEORGE A. CLARK."

Every bull engaged this summer (1913) was carefully located and counted by us. We found just 1,450 ♂ engaged with 80,000 cows. We found less than 150 "reserve" or "idle" bulls.

Now, if George A. Clark is telling the truth to Hon. E. W. Townsend, this "reserve of one bull idle for every two in service" during 1912 has suddenly disappeared. There is to-day actually less than one idle or reserve bull for every nine in service.

This is a sudden and a dangerous collapse of the virile breeding male life on the rookeries since 1912 if Clark is telling the truth.

(a) This work discloses the fact that in this official journal (p. 14) under date of June 17, 1896, is a certified copy of the order of the Secretary of the Treasury, dated "May 14, 1896," which prohibits "the killing of yearlings, and seals having skins weighing less than 6 pounds." This order which was published then to the agents of the government and the lessees, was actually violated and ignored that very season of 1896; and also carefully suppressed from the notice of the House Committee on Expenditures in the Department of Commerce and Labor by the officials of the Bureau of Fisheries when interrogated May 31-July 30, 1911, and February 29-July 31, 1912, as to what rules and regulations had been ordered by the departments in charge of the seal herd prior to and since 1890.<sup>1</sup> It also appears from a careful examination of this official journal above cited, that no order of change to those "Carlisle rules" of May 14, 1896, has ever been made by any Secretary of the Treasury or Commerce and Labor, until Secretary Metcalf, in 1906, was persuaded to make a "5-pound" minimum limit, and thus make it easier for the lessees to nullify the "Hitchcock rules" of May 1, 1904, which prescribed a "5½-pound" minimum limit.

(For full details and proof of this violation by the lessees of the regulations of 1896, up to date of 1906, see Exhibit B, *postea*.)

(b) It also further discloses the fact that the sealing schooner *Kate and Anna*, which C. H. Townsend, of, and "expert" of, the United States Bureau of Fisheries, and H. H. D. Pierce, as the Third Assistant Secretary of State, vouched for as a proper claimant for damages against Russia, in 1902, at the Hague, was, in fact, a pirate, and busy in raiding our Pribilof herd during the summer of 1890. (For full details see Exhibit C, *postea*.)

III. *July 22*.—A careful survey was made of the natives' houses on St. Paul and St. George and the condition of the same, as well as other inquiries touching the same. They were found to be in fairly good condition, requiring minor repairs only, many of them without any need of attention. The natives, 302 of them, all told, are fairly well provided for. (For full details see Exhibit D, *postea*.)

IV. *July 23 to 25*.—A careful examination was made of the Seal Island natives who have killed the seals for the lessees during the last 20 years under orders of the United States agents—the drives, how made, the ages or classes of seals killed, etc. Their answers were taken down, then translated to them as taken down, and approved by them in writing after they had been read by the interpreter to them in Aleut, which is their own language and used by them among themselves. (For full details see Exhibit E, *postea*.)

V. *July 29, 1913*.—The salt-cured skins of 400 seals killed under direction of United States Special Agent Lembkey, July 7, 1913, were all carefully measured and then weighed by us July 29 following, as they were salted and bundled for shipment to London. These skins were all tagged and numbered by Mr. Lembkey on July 7, 1913,

<sup>1</sup> The following sworn statement of untruth is made by the Bureau of Fisheries, to wit:

DR. EVERMANN. \* \* \* In answer to this charge it should be sufficient to say that the law has never made it illegal to kill yearling male seals; nor has it ever been contrary to the regulations to kill yearling male seals, except in the seasons of 1904 and 1905, as is shown by the regulations for the various years to which I have called your attention. Therefore, even if 128,478 yearling male seals have been killed since 1899 (which is not admitted) they could not have been killed illegally, because there was no law against killing yearling male seals, and there has been no regulations against killing yearling male seals, except in 1904 to 1909. (Hearing No. 10, p. 493, Apr. 19, 1912, House Committee on Expenditures in the Department of Commerce and Labor.)



and their "green" weights recorded then, by him before salting on that day.

We took this list of tagged skins and numbers, and measured them for their sizes, and then reweighed them in the salt. It became clear, as this work progressed, that the small 31-34 inch skins were so "loaded" with blubber that they actually weighed as much as the large 40-43 inch skins, which were not loaded—never loaded; so that without these measurement checks upon them, those little yearling skins (30-34 inch skins)—appeared in this list of "green" weights as well as or as heavy as the large, or 40-43 inch skins.

This accounts for the fierce insistence of the officials of the Bureau of Fisheries that their 6-pound and 7-pound skin weights were proof of the fact that they were not "yearlings"—were "2-year-old" seals. This insistence they kept up until it was at last extorted from them that the measurement of the skin alone declared its real size or age. On page 446, Hearing No. 9, April 13, 1912, House Committee on Expenditures in the Department of Commerce and Labor, the following sworn statement is made by Mr. Lembkey, who is the same man that ordered and directed the killing and skinning of these 400 seals on July 7 last, which we handled July 29 following:

Mr. ELLIOTT. Mr. Lembkey, you say you never have weighed these skins after you have salted them? You have never weighed them?

Mr. LEMBKEY. I have never weighed them after the salting on the islands; no, sir.

Mr. ELLIOTT. Have you ever issued any orders or heard any orders issued to have more or less blubber taken?

Mr. LEMBKEY. Never.

Mr. ELLIOTT. Is it not true that a native can skin a 4½-pound skin off and add blubber to it so as to make it weight 5 pounds?

Mr. LEMBKEY. It certainly is.<sup>1</sup>

Mr. ELLIOTT. Would it destroy the value of that skin if he did?

Mr. LEMBKEY. Not in the least, except that it would require longer to salt.

Mr. ELLIOTT. And it would absorb more salt, would it not?

Mr. LEMBKEY. I think so; yes.

Mr. ELLIOTT. And that would add very much to the weight of the 4½-pound skin?

Mr. LEMBKEY. Yes; the blubber would.

Mr. ELLIOTT. All that can be done, can it not?

Mr. LEMBKEY. I might state here, while you are on that point, that it would not alter, except in perhaps a very slight degree, the classification of that skin when it was received in London by the factors.

Mr. ELLIOTT. Certainly.

Mr. LEMBKEY. You might make a yearling skin weigh 9 pounds by the adding of blubber,<sup>2</sup> yet when it got to London it would be only so long and so wide.

Mr. ELLIOTT. That is it.

Mr. LEMBKEY. And of course it would develop in the classification when the skins would be exposed for sale.

Here Mr. Lembkey (who has directed all of the island killing of seals for the lessees since 1899, and up to date of July 7, 1913) tells the committee that he has never issued any orders to have more or less blubber taken, yet here are 400 skins under our eyes which were all taken under his personal direction, July 7 last (1913), and nearly every small skin is "loaded" with blubber so heavily that it weighs as much as the larger skins, which, in turn, are all "clean skinned," and so weigh near to their real size.<sup>2</sup>

<sup>1</sup> See native sealers' statements that they were told to leave blubber on these "small" skins. (Exhibit E, postea.)

<sup>2</sup> See native sealers' statements, who say they were ordered to leave this extra blubber on "small" skins in 1896, and have done so up to date. (Exhibit E, postea.)

This orderly "loading" of every small skin and "unloading" of every large skin, so as to make them weigh all as large skins, is a mere accident, is it? No.<sup>1</sup> (The details of this exposure of that "loading" of the "eyeplaster" 30-34 inch skins, so as to make them weigh into the real weights of the 2 and 3 year old or "prime" skins, are furnished in full by the Exhibit F, which follows:)

This public measurement and weighing of those salted skins also shows clearly and indisputably that the British and American contention that "salting increases the weight of the 'green' or fresh-taken skins'" is right; that it does not send them lighter, when so salted, to London than when "green" and first put into salt; and still further, this record as put out in Exhibit F, *postea*, fully bears out the following testimony as given in hearing No. 1, page 14, House Committee on Expenditures in the Department of Commerce and Labor, May 31, 1911:

Mr. ELLIOTT. I will go further and submit, as Exhibit J, this paper. I won't read all of this in regard to the British authority on Alaskan fur-seal classification and what he says as compared with our tables, but I will read one word from a chief British authority in an official letter written December 21, 1892, by Sir Curtis Lampson's sons to the British commissioners, Sir George Baden-Powell and Dr. George M. Dawson. Sir Curtis Lampson says:

We are unable to answer your inquiry as to in what class in the sales catalogue would be placed a skin classified on the islands as, say, a 7-pound skin, as we do not know whether the classification you mention refers to the skins as taken from the animals, or after they have been cured and salted ready for shipment. The process of curing and salting must of necessity add to the weight. (See p. 916; Proceedings of the Tribunal of Arbitration, vol. 8, Paris, 1893.)

Now, let me tell you that the salt added in curing a 4½-pound "green" yearling skin will increase its weight to 5 pounds, or even to 5½ pounds, according to the amount of salt used.

Now, you will understand why a "5-pound" skin can not be taken on the islands and honestly, truthfully certified to Mr. Nagel's books as a skin "not under 2 years of age," because a 2-year-old skin weighs, with the same treatment that this skin has received, a minimum of 6 pounds. A small "runt" 2 years old may weigh 5½ pounds. I have seen "runts" that would not weigh 5 pounds; but we are not dealing with exceptions. We are dealing with broad, square averages. I am willing to admit that a few exceptions can be found. I am willing to admit that a man might knock down a "long" yearling here and there; but when he deliberately says to Mr. Nagel that a 5-pound skin is a 2-year-old seal, I will take him to the seals themselves, and they will confound him; and you gentlemen can easily go with me. I would like to submit this as an exhibit.

Mr. MCGILLICUDDY. Professor, these classifications here are before they are salted?

Mr. ELLIOTT. Yes, sir; they are "green" skins.

Mr. MCGILLICUDDY. Just as they are taken from the body?

Mr. ELLIOTT. Yes; and the London classifications are of salted skins.

<sup>1</sup> The sworn statements of United States Commissioner of Fisheries Bowers and Chief Special Agent Lembkey, as below, that these "loaded" skins are classified and sold by weight (which are and were made to deceive the committee), to wit:

Mr. LEMBKEY. These skins which were sent to London during the years 1909 and 1910 were weighed by the factors after their arrival in London and the weights found to correspond with those taken on the island. As this factor, Lampson & Co., is essentially a disinterested person, being concerned not the least with the question of weights or regulations, but wholly with the sale of the skins and the payments therefor, their verification of these weights may be taken as conclusive of their accuracy.

So far, therefore, as concerns compliance with the regulations and the law in the killing of male seals, no malfeasance can be proven, because not only the records of the department but the weights of the same skins in London, taken by an independent and responsible body of experts, prove that the limits of weight laid down by the instructions of the department have been complied with as closely as it is possible for human agency to do so. The weights of skins taken on the islands show this, and furthermore these weights have been verified in London by an independent and responsible body of men. (*Hearing No. 9, pp. 374-375, Apr. 13, 1912. House Committee on Expenditures in the Department of Commerce and Labor.*)

Mr. PATTON. You mean it is a report that is sworn to by the people who do the selling in London?

Mr. BOWERS. No, sir; it is the classification of the London merchants who sell the skins for the United States Government.

Mr. PATTON. And they pay on that weight?

Mr. BOWERS. They sell on those weights. Their classification is made on those weights.

Mr. ELLIOTT. Right there I want to interpose the statement that they do not weigh those skins to classify them. They measure them. (*Hearing No. 6, p. 291, July 27, 1911, House Committee on Expenditures in the Department of Commerce and Labor.*)

VI. *July 30-31.*—The subject of the best and most economic plan or system of purchasing and distributing supplies for the seal islands, the patrol fleet which guards them, together with the wireless stations of the Navy established on them, as well as for all the lighthouses of the Department of Commerce, in Alaska, for the Alaska teachers and schools of the Department of the Interior, and general mail service outside of the limited lines of contract on Bering Sea—this important subject was carefully studied by us. We find that an annual saving of about \$100,000 will result if the following plan is adopted:

(a) There should be a single United States transport ship, capable of carrying 1,000 to 1,500 tons of freight, which could and would bring up all the coal, food supplies, oil, gasoline, hardware, etc., and every article required by these Government stations to one common depot in Bering Sea for distribution therefrom to the various seal-island stations, the lighthouse points, the Fisheries Bureau, Coast Survey, the Bureau of Education, and the United States Revenue-Cutter Service in the waters of Bering Sea, the Arctic Ocean, and the North Pacific, and that depot should be located at the Dutch Harbor, Unalaska Island, as the most central and best fitted port.

(b) This owning and use of such a Government transport ship would enable the Government to purchase coal in the best markets at wholesale rates and then put it in a large "bulk pile" at Dutch Harbor at just half the cost per ton which it is now compelled to pay for coaling the several Alaskan stations of the wireless, of the lighthouses, of the seal islands, and the United States Revenue-Cutter Service on patrol duty in those waters.

(c) This depot of supplies could and should be placed entirely under the control of the United States Revenue-Cutter Service, which could and would distribute all of those supplies by that transport ship aforesaid without adding a single man to the public pay roll. It would do that work promptly and most efficiently on the several requisitions of the Navy, Treasury, Commerce, Interior, Post Office, and Department of Justice authorities.

(d) This Government transport ship aforesaid could and would bring in bulk all of those stores and supplies such as coal, live cattle, sheep, foodstuffs, clothing, etc., and discharge them in bulk at this central depot; then in turn could distribute them from her decks to those several Government stations aforesaid, and also receive and transport such persons as may be designated. As it is now done, it is in a most irregular manner to a vastly greater cost and extreme disadvantage to the Government under the present system, due to lack of united or full concert of action by the several departments above cited.

(e) The United States Navy has large supply stations at Bremerton, Wash., and Mare Island, Cal. They purchase their supplies in large quantities at wholesale rates, and which supplies are stored there, and these are precisely such supplies as are needed and used to-day in the several Alaskan Government stations as stated above.

Then should any additional supplies be needed for the Alaskan service, they could and would be easily purchased by those naval buyers at the same reduced rates which they obtain for their other stores.

The single item of coal, if a coal pile at Dutch Harbor were established as above described, would result in an annual saving to the Government of more than \$70,000 per annum.

This saving on all items of Alaskan Government supplies annually would not be less than \$100,000 per annum over the present chaotic system of purchase and distribution.

We submit the foregoing statements of fact, with the several exhibits of specific detail, as itemized above, to you, as our report made in obedience to your letter of instruction, dated June 21 last.

Very respectfully,

HENRY W. ELLIOTT.  
A. F. GALLAGHER.



## EXHIBIT A.

### PART 1.

Specific details of the fur-seal census of 1913, made by Henry W. Elliott and A. F. Gallagher, special agents of the House Committee on Expenditures in the Department of Commerce, July 10-20, 1913, on the Pribilof rookeries of the seal islands of Alaska, giving the facts and figures in detail, with charts of the 17 breeding grounds or rookeries on St. Paul and St. George Islands, with a résumé of the fur-seal census of 1872-1874, 1890, as to details of their making, in contrast with the work of the Jordan Commission of 1896-1898, and the census work of the Bureau of Fisheries up to date of 1912.

#### THE FUR-SEAL CENSUS, 1890 TO DATE, 1913, SEAL ISLANDS OF ALASKA

Our survey of the fur-seal herd this season (July 10-20, 1913) has clearly proved the error of the Jordan-Thompson Commission's census of 1896-97. That census in Dr. Jordan's final report (p. 79 et seq., Fur-Seal Investigations, 1896-97, Part I) gave only 376,000 seals of all classes to this herd as existing then (season of 1896-97) upon the rookeries and hauling grounds of the Pribilof Islands.

Upon the basis of that erroneous sum total, all of the statements annually issued by the Bureau of Fisheries since then, up to 1912, have been made. The steady killing by the pelagic sealer and the lessees annually had made no greater inroad upon that "scientific" herd of 376,000 seals of 1897 than to leave by August 1, 1912, the sum total of "215,000 seals of all classes." (This is Jordan's last census, i. e., 165,352, breeding seals and young, and some 40,000 nonbreeding seals.)

The manifest error of this census of the Jordan commission for 1897<sup>1</sup> is at once apparent when a careful review of the killing on land and in the sea is made from 1897 to date of 1912, as above. The manifest truth of the Elliott survey of that herd in 1890 is also fully declared by this House committee's survey of 1913, in which 190,950 seals of all classes are found to be in existence on the Pribilof rookeries and hauling grounds. Elliott, in 1890, summed up the total of the breeding Pribilof seals and young at 959,393, or a "scant million," as against 3,193,420 such seals in 1874 (p. 57, H. Doc. No. 175, 54th Cong., 1st sess), and against some 1,250,000 nonbreeding seals in 1874 he found in 1890 some 80,000 only. (See H. Doc. No. 175, 54th Cong., 1st sess., pp. 57, 58.)

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<sup>1</sup> The following extract from a report upon the condition of the fur-seal herd in 1909, made by Chief Special Agent Lembkey, shows that he was unable to agree with Dr. Jordan's census work, which latter had published as the "first accurate count ever made."

Yet, in spite of this full understanding of its error, as given below by Lembkey, that erroneous census of Jordan was used as the foundation of all succeeding work by Lembkey from 1904 to 1911:

In 1897 the investigation made by the commission of which Dr. David Starr Jordan was chief disclosed a ratio of bachelors to the whole herd of 1 to 20. That ratio was used by him in his criticisms of the accuracy of H. W. Elliott's censuses based on acreage measurements in 1874 and 1890. Subsequently, as stated in Mr. E. W. Sims's report on the seal islands, in 1906, the relation of bachelors to the whole herd in 1904 and 1905, according to the censuses made by the agent in charge of seal fisheries for those years, was found to be, respectively, 1 to 16 and 1 to 14.

In 1909, by such methods of computation as are available, the whole herd of seals numbered approximately 133,000, while the catch of bachelors was 14,331. Added to the latter, to form an idea of the total bachelor yield of the herd, should be 2,000 bachelors marked and released, making a total possible catch of bachelors for 1909 of 16,331. When we contrast this yield of bachelors for 1909 with the number of the whole herd in

This survey of 1890, which declared at least 1,000,000 seals to be in existence then on the Pribilof Island rookeries, was approved by the Joint Anglo-American Commission of 1891, and not disputed by it. But, when Dr. Jordan came upon the ground in 1896-97, he, and his associates, declared Elliott's work of 1890 to be "even worse in its error than his survey of 1874"; Dr. Jordan then published an "accurate census of this herd"—"the first," ever, at which he left it in 1897, being less in sum total than 380,000 seals of all classes.

When Elliott closed his survey of 1890, August 1, only 16,000 seals had been killed on the Pribilof Islands, and the pelagic hunters had taken from this herd during the entire season of 1890 only 25,746 seals. Then in 1891, 1892, and 1893 following the *modus vivendi* operated, which reduced the killing on the islands to less than 30,000 seals during that period and entirely eliminated the killing in Bering Sea around those islands by the Canadian and American pelagic fleet, which crossed over and fell upon the Russian herd.

In 1894 the lessees were permitted to kill 15,000 seals; and again in 1895 the same; while this pelagic fleet resumed its work in Bering Sea, getting at least during 1894-1896 the equivalent of some 200,000 seals from our herd. So, when Dr. Jordan came upon this ground in 1896, there must have been fully as many seals in existence then as when Elliott viewed them in 1890. These animals had been spared from harsh killing on land and in the sea, from 1890 to 1894, so that they had at least held their own, while the killing of 1894 and 1895 had not cut them down much more than 100,000 below the figures of 1890, which were about 1,000,000 males, females, and young, in round numbers.

that year, we have a relation of bachelors to the whole herd of 1 to 9. The following table will show the various ratios for the years mentioned:

*Ratio of bachelors in certain years.*

Year.	Bachelors killed.	Whole herd.	Bachelors released.	Ratio of catch to whole herd.
1897.....	20,766	402,850	-----	1 to 20.
1904.....	13,128	243,103	2,054	1 to 16.
1905.....	14,368	223,009	2,174	1 to 14.
1909.....	14,331	133,000	2,000	1 to 9.

This would show that the ratio which the catch of bachelors bears to the whole herd has changed from 1 to 20 in 1897 to 1 to 9 in 1909.

The percentage of bachelors dismissed from the killing field in 1897 was 41 per cent; in 1904, 44 per cent; in 1905, 40 per cent; and in 1909, 32 per cent. This shows that killing in 1909 was 9 per cent of these males; the reserve has fallen steadily to 4,000 rejections in 1909, including those among the marked bachelors. Its steady diminution during this period apparently indicates that to maintain the quota at a stable figure this reserve had to be drawn upon more heavily every succeeding year; or, conversely, the rejections each year became fewer in order to secure the quota. It certainly is true that a steady but gradual reduction occurred in the number of bachelors rejected, and had such reduction not been made the quota would have suffered.

The reduction of this reserve will make it a matter of difficulty to secure a quota in 1910 approaching in size that of 1909. With fewer of the older animals to draw upon, dependence will be had mainly upon the young or 2-year-olds. With the chance that there will be fewer of these than in 1909, it would appear problematical whether enough can be found to equal or approach the catch of 1909.

The proportion which the pelagic catch bears to the whole herd has changed also. In 1897 the pelagic catch, 24,321, bore the same relation to the whole herd, 402,850, as 1 to 16. In 1908 it was as 1 to 8 (18,151:146,636). From this it would seem that the pelagic sealers are killing twice as many seals in proportion as they did 11 years ago. This is another singular fact in connection with the subject, showing that conditions at the present time differ entirely from previous years.

It may be that by the methods of estimation used, the number in the whole herd in recent years has been placed too low, or, rather, that there are more seals in the herd than are given in the estimates or censuses. It is either in this possibility or the one already mentioned—that the mortality among pups is less than hitherto—that the cause of this change of relation of bachelor catch to the whole herd must be sought. (Appendix A, pp. 763-764, June 24, 1911, House Committee on Expenditures in the Department of Commerce and Labor.)

This Elliott figure of about 1,000,000 seals for 1897, as against 376,000 which Jordan declared to be the "first accurate census," was really the correct total for that year; there must have been at least as many seals alive then, or it would have been utterly impossible to find 190,950 of them alive in 1913, as were found by Elliott and Gallagher during their survey made July 10-20, 1913.

Those Jordan commission census figures, which have been annually published officially since 1896 by the Departments of the Treasury and of Commerce and Labor, have all been predicated on these erroneous figures of 1897, which Dr. Jordan and his associates have steadily insisted were accurate and not misleading.

There is another salient fact brought out by this 1913 census of Elliott and Gallagher. There is an entire absence of idle or surplus breeding bulls; they have been completely eliminated by this close killing and illegal taking of them on the islands.

Even that callous officialism of the Bureau of Fisheries was frank to make the following statement to the committee February 29, 1912, when questioned closely about the killing of young male seals under its direction:

Hearing No. 9, Feb. 29, 1913, pp. 368, 369, House Committee on Expenditures in the Department of Commerce and Labor.]

Mr. LEMBKEY. It might be claimed that the size of the herd of idle bulls is very small, and that therefore not enough male seals escape the killing grounds to maintain an ideally healthy relation between breeding males and females. It is true that the number of idle bulls is small.

In a highly polygamous species, such as the committee understands the fur seal to be, no injury can be wrought to the species from the killing of the young non-breeders, unless that killing became so drastic as to prevent the survival of enough males to properly reproduce the race. Such surplus males as are not required for breeding purposes are as useless zoologically as if they did not exist. Unless, therefore, it can be proven that the killing on the Pribilofs has resulted in the culling of males so closely that not enough bulls were at all times present to properly fertilize the females, it assuredly can not be claimed that killing of these surplus young males does injure or ever has injured the species.

The absence of a sufficient number of males would become apparent through any one or both of the two following means, namely:

1. The absence of idle bulls on the breeding rookeries.
2. The presence on the rookeries of adult females without young.

The presence or absence of idle bulls on the rookeries I regard as the most conclusive test to be applied in determining whether or not a sufficiency of adult males is present. Given a surplus of bulls, or more than enough to provide all the cows with consorts, we can be fully assured that there are enough bulls present for breeding purposes, or, as David Harum says, "A little too much is just right." On the other hand, if there are no idle bulls present, it is impossible to ascertain whether enough males are on hand to insure the impregnation of all the females. But we can be well assured of that fact in the face of a number of idle and active bulls. It is a significant fact that, in the whole mass of evidence presented to this committee to prove injury to the herd through land killing, nothing has been laid before it to show any scarcity of bulls, nor, so far as I know, has the subject been mentioned. No allegation of that character has been made, for the very sufficient reason that no evidence of that nature exists. At all times in the history of the seals have idle bulls been present, sometimes more than at others, but always a surplus. Until the critics can successfully allege an absence of surplus male life, their strictures upon land killing must lack value. Under present regulations, which require the exemption from killing of many choice males each year, an elimination of the idle bull class can not occur.

That the "idle bulls" had completely disappeared from many of the breeding grounds by July 10-20, last, was freely admitted by the agents of the United States Bureau of Fisheries who accompanied

Messrs. Elliott and Gallagher. At rare intervals on the other rookeries a bull without place or location near the overcrowded harems would be seen—a fair and fit indication that something defective in its organization caused its indifference and vagrancy.

This complete disappearance of the “idle” or surplus “breeding bulls,” as above stated, which should be hovering around the outer lines of the harems, the complete disappearance also of the “polsee-catchie” or 5-year old bulls, too, makes the following statement of record, timely now, for it again tells the story truly of how and why this surplus male life has been thus wholly eliminated as a factor on these Pribilof rookeries by 1913.

In making his argument for the need of checking up the close killing of all the young male seals as done by the lessees since 1896, to date of 1903, Mr. Elliott made the following statement of conditions then, which holds good to-day. It clearly shows how, and why this excessive and illegal killing of “yearlings and seals having skins weighing less than 6 pounds” has brought this herd to the very verge of complete physical destruction under the Russian régime of 1817–34, and under ours, has done so again, to-day. In a letter dated January 8, 1904, addressed to the Secretary of Commerce and Labor, Mr. Elliott said:

JANUARY 8, 1904

THE SECRETARY OF COMMERCE AND LABOR,  
*Washington, D. C.*

SIR: I respectfully submit the following statements of fact, without adding any opinions of my own, as the basis of a proper request for prompt action on your part in order that the fur-seal species of Alaska shall not be completely destroyed, root and branch, on the Pribilof Islands during the coming season, under existing rules and regulations.

The commercial ruin of our fur-seal herd was effected at Paris, August 16, 1893. I will not advert to the errors of our own agents in charge of our case which led to this humiliating result. I should say at this point that I did all in my power in 1890 and 1891 to prevent the course mapped out and followed to defeat by these agents. My protests in November, 1890, and in January, 1891, to Mr. Blaine were in vain and I had nothing to say or do with the management of that case after the 6th day of January, 1891; my knowledge and understanding of the subject were ignored, and save the tardy and forced adoption of the *modus vivendi* of 1891–1893, which I urged in November, 1890, no argument or wish of mine prevailed in the preparation of this case. I am in no way responsible for the wretched conduct of that case of our Government before the Paris tribunal and its resultant shame and misery, to say nothing of the immense loss of public property also following.

The figures and facts which I herewith present for your information and use declare that the bitter sequel of commercial ruin for our interests on the seal islands of Alaska is right at hand; that sequel is the immediate extermination of this anomalous, valuable, and wonderful marine life which must exist on the Pribilof group, but it can not and will not exist by its own law of life anywhere else.

By way of introduction to the following tabulated statements showing the rapid decline of the fur-seal herd since 1872 permit me to say that I am, fortunately, in possession of the complete and indisputable proof of my statement that 4,500,000 fur seals—cows, bulls, and pups—were in existence on the rookeries and hauling grounds of St. Paul and St. George Islands, in fine form and condition, during the seasons of 1872–1874, inclusive. I am fortunate in holding all of this indisputable and self-asserting evidence just as it was secured and recorded in 1872, 1873, and 1874; the original records, surveys in detail, and notes are mine. That point of departure in 1872–1874 enables me to authoritatively and clearly express to you the real loss of life which the Government has sustained in this ruin of its industry on the seal islands of Alaska: without it no adequate expression of the truth could be made by myself or anyone else which would be credible and accepted by the judicial mind. The first point to which I desire to draw your attention is the following official record of the loss of life on the seal islands of Alaska from 1872 down to 1903, inclusive:

*Number of fur seals—males, females, and young.*

1872-1874. The surveys of Elliott and Maynard; act approved Apr. 22, 1874.	4, 500, 000
1890. The survey of Elliott; act approved Apr. 5, 1890.....	1, 059, 000
1891. The Canadian-American Joint Commission survey, "about" .....	1, 000, 000
1896. The Jordan-Thompson Joint Commission survey (p. 22 of Jordan's preliminary report, Treasury Department Doc. No. 1913).....	440, 000
1897. The Jordan-Thompson Joint Commission survey declares that "the rookeries on which the pups were counted show a reduction of 14.4 per cent" (i. e., 14.4 per cent fewer seals than in 1896).....	376, 640
1898. Report Secretary of the Treasury, page xxxiv, Dec. 6, 1898: "The conditions of the rookeries show a most apparent decrease in the numbers of seals frequenting the islands." No estimate of percentage of loss is made, but it can not be "most apparent" unless that loss of life is at least 12 per cent of the figures agreed upon in 1897, or.....	331, 000
1899. Report Secretary of the Treasury, page xxxi, Dec. 5, 1899: "The condition on the rookeries shows a continued decline in the herd." ("The agent in charge reports a decline of 20 per cent" from the figures of 1898.—Report Secretary of the Treasury, p. xxxii, Dec. 4, 1900). This gives us.....	264, 962
1900. Report Secretary of the Treasury, page xxxii, Dec. 4, 1900: "The agent in charge reports that the seal life on the islands in 1899 was 20 per cent less than in 1898." "The rookeries were examined during the past season by an agent of the Fish Commission." "He reports a decrease in the seal life on the rookeries as compared with former years." "Smaller seals were taken this year than ever before." Report United States Fish Commission, 1900, page 165: "The seals have been diminishing upon the breeding grounds for many years, the annual decrease during the past few years amounting to about 20 per cent." This testimony reduces the herd in 1900 to.....	233, 962
1901. Report Secretary of the Treasury, page 38, Dec. 2, 1901: "The enumeration of live pups shows a marked falling off from the previous years." A "marked falling off" in the number of pups would not be noticed as such unless the percentage of loss was at least 12 per cent, or.....	204, 887
1902. Report Secretary of the Treasury, page 30, Dec. 3, 1902: No mention or hint of any decrease in the herd in this report; but a set of erroneous figures is given for the pelagic catch of the year; only one-third of this catch is announced. Upon this false return of that catch is based an allegation that the pelagic hunter is retiring from business, and this retirement puts the "herd in a more stable condition," and that "it is not decreasing now as rapidly as heretofore." Also no reference whatever is made of the new "Japanese" sealing fleet which joined the Canadian fleet this season and has been busy all around the islands inside of the "60-mile zone"; no reference is made of this new power for destruction, although the department on Sept. 25, 1902, received an official report declaring that 16 of these vessels were thus engaged. Therefore, since the same forces of destruction which have been at work on the herd since 1896 have again been all actively employed with the addition of the "16 Japanese" vessels, it is only reasonable to declare a reduction of at least 12 per cent from the number allowed for 1901, and this gives us at the close of the season of 1902 not to exceed.....	180, 000
Also, in this report of the Treasury Department for 1902 is omitted the statement of the special agent in charge of the islands in his report for this year, that "a careful count of harems made this year shows a falling off of 25 per cent of breeding bulls." The reason why this important fact is omitted is evident to any intelligent reader; it would utterly deny the Secretary's assertion that "the herd is in a more stable condition"; it is therefore suppressed.	
1903. The Government agent declares that at the close of the season of 1903 the number of seals alive does not exceed.....	150, 000
The season he refers to closes Aug. 1, 1903.	



A recapitulation of the foregoing official record of the rate and progress of the decline of the fur-seal herd of Alaska shows, concisely, that there were in—

	Males, females, and young.
1872-1874.....	4, 500, 000
1890.....	1, 059, 000
1891.....	1, 000, 000
1896.....	440, 000
1897.....	376, 000
1898.....	331, 000
1899.....	264, 000
1900.....	233, 000
1901.....	204, 000
1902.....	180, 000
1903.....	150, 000

Also, a census of the fur-seal cows alone has been officially recorded since 1896, as follows:

1896 (Jordan's report).....	157, 405
1897 (Jordan's report).....	134, 582
1900 (United States Fish Commissioner's report).....	100, 000
1901 (special agent, Treasury Department, report).....	91, 236
1902 (special agent, Treasury Department, report) <sup>1</sup> .....	94, 882

Certainly true it is that these bulls are "falling off." They are dying of old age on these rookeries, and no new blood has been permitted to reach these breeding grounds since 1896 so as to fill the vacancies thus created; and it is equally certain and true that the same annual loss of cows has taken place in 1903 which has marked the preceding seasons, since there has been no cessation of the work of slaughter on land and in the sea in all of those years, and there is none to-day.

The next point in order is the following analysis of the status of the male life on the rookeries or breeding grounds, which clearly shows the total elimination of this life by 1907 under existing rules and management.

In 1872-1874 there were some 90,000 breeding bulls and 1,250,000 cows (primipares, multipares, and nubile), showing a birth rate of 1,125,000 pups.

In 1890 this herd was reduced to some 14,000 breeding bulls and about 420,000 cows (primipares, multipares, and nubile), showing a birth rate of 380,000 pups.

In 1896 this herd was still further reduced to some 5,000 bulls and about 144,000 cows (primipares, multipares, and nubile), showing a birth rate of 130,000 pups.

In 1903 this herd is reduced to some 2,200 bulls and about 75,000 cows (primipares, multipares, and nubile), showing a birth rate of 68,000 pups.

These 2,200 breeding bulls of 1903 are the survivors of those young males which were spared in 1890 and by the *modus vivendi* of 1891-1893, and thus allowed to grow up to the age of 6 years and then take their places in 1894, 1895, and 1896 on the rookeries as 6 and 7 year old "seecatchie."

In 1894 and in 1895 a few hundred 4-year-olds may have escaped the club on the killing grounds and thus came in as 6-year-olds in 1896 and 1897.

But in 1896 no 3-year-old seal was passed over the killing grounds which was not killed in 1897 as a 4-year-old.

And in 1897 and 1898 no 3-year-old seal escaped the killer's club, except to die on the killing grounds as a 4-year-old in 1898 and 1899.

And in 1899 no 2-year-old seal was permitted to escape on these grounds unless to die as a 3-year-old in 1900.

And in 1900 no well-grown yearling seal was spared on these slaughter fields, except to perish as a 2-year-old in 1901.

And in 1901 every yearling that came ashore was taken, and if a few escaped they met the club in 1902 sure, as 2-year-olds.

And in 1902 every young male seal that landed was taken, so that out of 22,199, 16,875 were "long" and average yearlings, or "5-pound" or "eyeplaster" skins.

In this clear light of the close killing of the young male life as given above, it will be observed that no young or fresh male blood has been permitted to mature and reach the breeding grounds since 1896.

The average life of a breeding bull is from 15 to 18 years; he does not keep his place longer for good and obvious reasons. The youngest bulls to-day upon that breeding

<sup>1</sup> This increase of some 5 per cent in cows over the figures of 1901 is a self-evident blunder, because its author in his report of 1902 says: "A careful count of harems made this year shows a falling off of 25 per cent of breeding bulls."

ground are not less than 12 years old—most of them older. They are now rapidly dying of old age—witness the following:

An official report in 1902 declares that these breeding bulls had decreased in number from 1901 to the end of 1902 at least 25 per cent.

An official report in 1903 again declares a decrease from 1902 to the end of this season (1903) of 17 per cent; 42 per cent since 1901.

The close of the season of 1904 will show at least 20 per cent reduction again; and in 1905 again 20 per cent at least, to entirely cease by 1907 unless steps are taken at once to stop the run on this life by land (and sea killing) clubbing in 1904 of the choice young male seals, yearlings and upward, to the end of the season of 1906—stop it entirely.

I now submit a tabulated statement, which is in the form of a prophecy, based upon the foregoing figures of fact, with the reasons guiding my forecast.

A table which shows the annual rate of progress in the extermination of the fur-seal herd of Alaska which will take effect under existing rules and regulations by 1907 unless checked in 1904:

*Pribilof Island seals on the islands.*

Class.	1903	1904	1905	1906	1907	1908	1909
Old bulls (youngest to-day 12 years)...	2,200	1,650	1,165	400	150	(?)	None.
Pupping cows, Aug. 1.....	65,000	56,250	37,885	22,825	15,000	5,000	3,000
Virgin cows, Aug. 1.....	10,000	5,000	3,000	2,800	500	None.	.....
Pups, born June and July.....	65,000	56,250	37,885	20,000	10,000	5,000	None.
Male yearlings, Aug. 1.....	1,000	500	300	300	(?)	None.	.....
Female yearlings, Aug. 1.....	10,000	6,000	4,000	2,000	500	(?)	None.
Total.....	153,200	125,650	84,235	48,625	26,250	10,000	3,000
Land catch to Aug. 1.....	19,252	16,000	8,000	(?)	None.	.....	.....
Pelagic catch to Nov. 1.....	25,000	20,000	15,000	12,000	10,000	6,000	None.
Total.....	44,252	36,000	23,000	12,000	10,000	6,000	(?)

Owing to the fact that the youngest of these old breeding bulls is at least 12 years old in 1903 and that the service imposed upon it, as a rule, ends in the sixteenth and eighteenth year of its age, this life is rapidly dying off and will entirely go by the end of the season of 1907; 42 per cent of its form in 1901 disappeared by 1903.

No young male seal above 2 years of age will appear next season (1904) on the hauling grounds, unless an order prohibiting the killing of all choice male seals above 10 months of age shall be made for the seasons of 1904, 1905, 1906, and 1907 on the seal islands of Alaska; no fresh young male blood can mature quickly enough to come onto the breeding grounds and save the birth rate from total collapse in 1907. Even if this is done it will be a close call for that life anyhow. To postpone such an order to 1905 would be too late, if the species itself is to be saved from complete extirpation. This result will ensue as sure as fate unless the killing is at once held up on the seal islands.

The full number of old bulls carried on this table from 1903 to 1907 represents all that will be seen in those years and alive on the breeding grounds; but this number is greater every season than the real number of virile or potent sires; for instance, in 1903 we count 2,200 old bulls, but a large number of them lay upon the rookery without cows.<sup>1</sup> Why do they thus lay idle when the bulls in active service around them have more than twice as many cows in 1903 as they should have were the service normal on this field? These bulls were somnolent and idle in 1903 when the cows in the harems around them increased from a normal ratio of 22 females to 1 male sire to 44 cows to the bull.

They were thus idle because they had lost through age the vigor to attract and control a harem. I saw this state of affairs on these breeding grounds in 1890 and raised the note of alarm then for the first time; stopped the killing on July 20, when only 19,000 of the 60,000 quota had been taken, and forced my modus vivendi through, which took effect in 1891, 1892, and 1893.

<sup>1</sup> The following official entry made in the journal of the United States special agent in charge of St. George Island, under date as given below, describes in detail what Mr. Elliott alludes to as "impotent bulls":

ST. GEORGE ISLAND, July 20, 1906.

At a favorable point on north rookery a cow in heat was teasing a bull, biting his neck and lifting up her hind parts, which the bull smelled. Shortly afterwards he endeavored to copulate, but soon gave up the attempt, spread out on the rock and went to sleep. The cow renewed her blandishments from time to time, but the bull had evidently reached his limit.

And these bulls which we see alive on the breeding grounds now, and will continue to observe until 1907, are the survivors of the young male 2, 3, and 4 year olds which were saved in 1890, 1891, 1892, and 1893, plus a few 3 and 4 year olds which may have slipped through in 1894 and 1895.

Since 1896 no fresh young male blood has been permitted to pass the club on the killing grounds of St. Paul and St. George, and the effect of utterly shutting off the birth rate by 1906 and 1907 is plainly exhibited in the analysis tabulated above.

In the light of the foregoing statements of fact, am I not warranted in asking that you at once suspend all killing on the islands by the lessees for the seasons of 1904, 1905, and 1906; and that only such young males as may be necessary for natives' food be killed thereon during those seasons, solely under the direction of your agents, the skins of which can be carefully preserved and sold by the Government—the proceeds thereof turned into the Public Treasury?

You can not divide the authority for killing on the islands in the present condition of affairs between your agents and the agents of the lessees, without scandal, confusion, and failure.

You have full and ample power to suspend all killing of seals by the lessees under the distinct terms of their lease, whenever the preservation of that life is at stake, and which you are especially charged by Congress to preserve; the lessees have no recourse on the Government, under existing conditions, if you suspend their operations indefinitely, by the express terms of this lease, and which was drawn by Mr. Windom in March, 1890, for the very purpose of meeting just such a contingency as now arises. I know it, because I was consulted by him when he was drafting it.

Again, the lessees have no ground of complaint, legally or morally, if you entirely suspend their work: they have made an enormous profit annually since 1890, even through the short-killing of the *modus vivendi* in 1891–1893. The entire amount of their capital invested in the plant on these islands is only \$67,000.

I have detailed figures which declare their annual profits since 1900 to have been simply enormous from a commercial standpoint: the fur trade has recognized the fact that the end of supply from the seal islands is near at hand; and since 1897 a steady immense rise in price per skin, no matter how small, has taken place up to date, making the profits on the island catches and the *belagic* catches way beyond the figures of greatest values ever known to the business since 1900.

This step which I ask you to take is provided for by existing law; there are other steps which I think you ought to take, but which you can not take until Congress acts; of them and about them I desire very much to confer personally with you.

I am, very respectfully,

Your friend and servant,

HENRY W. ELLIOTT,  
1228 Fourteenth Street N.W., Washington, D. C.

This statement, as above, stirred Mr. F. H. Hitchcock, who, as chief clerk of the department, had the entire administrative details of this business in his hands. He issued those checks upon that work of the lessees which Mr. Elliott called for on May 1, 1904, and which are now so well and favorably known to the committee as the Hitchcock rules.

These were enforced fairly well in 1904 and in 1905, but after that the greedy lessees prevailed upon the agents so that the "saved" seals in June and July were all secured as "food seals" during the same season in October and November following. So thorough was this nullification of the Hitchcock rules brought about since 1906 that to-day the most careful survey between July 10–20 last failed to disclose the presence of a single "idle" able-bodied fur-seal bull on many of the 17 desolated breeding grounds of the fur-seal herd on the Pribilof Islands.

The absolute necessity of letting this young male life rest from "scientific" disturbance, such as the driving of the pups to "count" them, and from the senseless slaughter of all the "yearlings" with the 2, 3, and 4 year old males during the next five years is way beyond any sensible objection or even argument to the contrary.

The proof conclusive of that erroneous census of Dr. Jordan's commission in 1896, when he declared that a "true count" such as he had made then showed the presence of only 440,000 seals on the

Pribilof breeding and hauling grounds, is well brought out by the following testimony, given to the House committee April 20, 1912, in hearing No. 10, pages 605, 606, House Committee on Expenditures in the Department of Commerce and Labor, to wit:

AS TO KILLING ON LAND AT THE DISCRETION OF DEPARTMENTAL AGENTS, IN RE FUR-SEAL HERD.

Mr. ELLIOTT. How can any "percentage of reservation" of "10 per cent" or "25 per cent," or "50 per cent," or "95 per cent" of young male life be "safely fixed" by man upon the basis of the following self-evident, worthless, and padded census of the fur-seal herd of Alaska?

Ever since 1900 the departmental reports to Congress have annually declared an immense loss suffered by the fur-seal herd of Alaska from the work of the pelagic hunters, yet never has this annual loss been subtracted from the sum totals of their annual census tables officially sent to Congress. Why?

Witness the following proof of it officially given:

The official census of the fur seal herd of Alaska as annually made and published since 1904 declares that there is not a fur seal in existence on the Pribilof Islands at the close of the season of 1910, if the official statements of annual loss made from pelagic sealing are computed.

Official reports of Department of Commerce and Labor to Congress from 1904, annually, made to close of season of 1909, declare that in—

1904, 243,103 seals of all classes alive August 1, 1904; 1905, 223,000 seals of all classes alive August 1, 1905; 1906, 185,000 seals of all classes alive August 1, 1906; 1907, 172,502 seals of all classes alive August 1, 1907; 1908 (no figures), August 1, 1908; 1909, about 140,000 seals of all classes, August 1, 1909; 1910, 137,000 seals of all classes alive August 1, 1910; 1911, about 133,000 seals of all classes alive August 1, 1911.

These official figures of the Secretary of Commerce and Labor are quoted verbatim from those annual reports as appended. They declare the fact that if the figures of 1904 are correct, then, by the figures of annual loss alone since that season, there is not a fur seal in existence on the seal islands of Alaska since 1908.

In these departmental tables the strange and inexcusable error is made of not subtracting the loss entailed annually, after August 1 to November 30, by the pelagic sealers' catch. If that loss is taken from this count, as it must be taken, then those departmental tables will show a finish in 1907 as follows:

At the close of the season of 1904 the pelagic catch from this Alaskan herd was 22,670 seals. Taking the department's own estimate of this loss as about "three seals killed for each one taken," then there is a total of some 67,000 seals to subtract from 243,103 seals alive August 1. That would leave alive at the opening of season of 1905 only 177,000 seals in round numbers instead of 243,103.

	Seals, male and female.
Therefore, when the season of 1905 opened there were.....	177, 103
Then the lessees took therefrom up to Aug. 1.....	14, 000
Leaving then.....	163, 103
Then the pelagic catch from August to November was 20,000, or a loss of...	60, 000
Thus leaving alive at the opening of 1906 only.....	103, 103
Then the lessees took up to Aug. 1, 1906.....	14, 000
Leaving then only.....	89, 103
Then the pelagic catch, August to November, follows, of 20,000, or loss of..	60, 000
Thus leaving alive at the opening of 1907 only.....	29, 103
Then the lessees took therefrom up to Aug. 1.....	14, 000
Leaving then only.....	15, 103
Then the pelagic catch, August to November, 22,000, or loss of.....	66, 000

Thus leaving not a single seal alive at the opening of the season of 1908.

In the light of the above reduction of those figures of seal life and its status from year to year, is it at all strange that those authors of these grotesque census tables should juggle my figures in vain, as given on page 99, Hearing, House Committee on Foreign Affairs, January 4, 1912?

The estimates of loss<sup>1</sup> which the Bureau of Fisheries put upon the killing of females by the pelagic hunters are excessive; true when the adult primipara (female) is killed heavy with young, but not when the nubile is slaughtered. That makes their charge of "three seals is lost to the herd for every female taken," excessive. But, nevertheless, since they have annually repeated this charge against the killing of the pelagic sealer since 1890 to date of the sealing treaty now in effect, December 15, 1911, the effect of their making this heavy loss so specific should have been enough to warrant a large deduction from their annual "paper census," that "accurate and careful counting" of the herd which is set forth to the committee in the following dogmatic words:

[Hearing No. 9, p. 367, House Committee on Expenditures in the Department of Commerce and Labor.]

Mr. LEMBKEY. Many erroneous statements have been made to this committee and to the Committee on Conservation of National Resources in the Senate as to the number of seals which now compose the herd.

In view of this confusion of data with which the committee has had to contend, it may be well to give to it at once a detailed statement of the census of seal life on the Pribilof Islands as taken at the close of the last season, 1911:

Bulls, active (with cows).....	1, 356
Bulls, adult, but idle (without cows).....	329
Half bulls (from 4 to 6 years).....	2, 222
Bachelors, 3-year-olds.....	1, 200
Bachelors, 2-year-olds.....	2, 897
Bachelors, 1-year-olds.....	15, 322
Male pups.....	19, 700
Breeding females.....	39, 400
2-year-old females.....	10, 297
Yearling females.....	15, 322
Female pups.....	19, 700
Total.....	127, 745

<sup>1</sup> This great loss annually, never noted or counted by the scientific census takers of the Pribilof herd, from 1904 to 1912.

Aside from the great loss in seals which are shot and not recoverable it must be remembered that nearly 80 per cent of all seals taken in Bering Sea are pregnant females having nursing pups ashore, which die of starvation after the loss of the mother. The death of each pregnant female, therefore, means the loss of three lives to the herd, in addition to the great waste incident to the nonrecovery of seals shot in the water, which has just been referred to.

In view of the facts just mentioned, it may fairly be believed that the catch of 27,216 skins by the pelagic fleets in 1907 represents a loss to the herd of upward of 75,000 animals. They show that to secure 27,000 skins on land only that number of animals need be killed, and the surplus males which can be spared without injury, while to secure 27,000 skins in the water practically 75,000 animals must be slaughtered. Stronger proof of the destructiveness of this practice and of the certainty and rapidity with which it reduces the herd can not be given. (Annual Report Seal Fisheries of Alaska, 1906. By W. I. Lembkey, agent in charge of Alaskan seal fisheries. Department of Commerce and Labor, Division of Alaskan Fisheries, Washington, Dec. 14, 1906. P. 279, Appendix A, June 24, 1911, House Committee on Expenditures in the Department of Commerce and Labor.)

With regard to this matter of the number of fur seals in existence during 1872-1874, which Dr. Jordan has asserted never exceeded two and a half millions (2,500,000), and about which he knew absolutely nothing (and after a few weeks of experience spent on the islands), it is interesting to note the opinion of W. I. Lembkey, who has passed every season on the rookeries of St. Paul Island since 1899 to the end of the season of 1913, or 14 breeding summers (and three winters also of this period), to wit:

He testified before the Ways and Means Committee of the House of Representatives, Jan. 25, 1907, as follows (p. 66, MS. Notes of Hearing):

"Mr. LEMBKEY. In 1870 conservative estimates placed the number on the Pribilof Islands between four and five millions; to-day there are probably not over 180,000 seals in the entire herd.

"Mr. WILLIAMS. At the end of 18 or 19 years, if no killing at all, you think they would go back to between four and five millions?

"Mr. LEMBKEY. I have no doubt they would."

Contrast the above opinion of Lembkey (who indorses the Elliott figures) with that of Jordan below, who, in 1897, after insisting that there were only 376,000 seals of all classes alive then in the Pribilof herd, had the following to say of the Elliott figures of 4,700,000 seals in 1872-1874 and 1,029,000 in 1890:

12. "To sum up the whole matter, we are unable to accept Mr. Elliott's estimate as representing anything more than an individual opinion greatly overdrawn by a too vivid imagination.

"In making the above criticisms of Mr. Elliott's census, it has not been our purpose to tear down and condemn work which in many respects under the circumstances deserves commendation; but a disposition has of late been manifested to insist upon the absolute correctness of these figures, and in setting them aside it becomes necessary for us to give reasons for such action."

13. Elliott's estimate of 1890 "is as bad, if not worse, than the first." "It is not possible to suggest any explanation or justification for the vagaries which these estimates of Mr. Elliott show."



Mr. MADDEN. Is that all on Pribilof Islands?

Mr. LEMBKEY. On both islands, that is the number constituting the present herd at the close of the season of 1911.

The above statement<sup>1</sup> was made February 29, 1912, with the approval of the entire "scientific" advisory board on fur-seal service of the Bureau of Fisheries; and yet, a few months later, a census was made by these same officials who have been busy with it ever since June, 1896, declaring that instead of there being "only 127,000" seals of all classes alive on August 1, 1912, there were "215,000."

The authors of this last census were Messrs. Lembkey and George A. Clark, the latter being the same man who aided Dr. Jordan to make his "accurate census" of 1897, when he ridiculed the idea that the figures given by Elliott in 1890 were sensible or fair.

But the common-sense survey made this season of 1913 by us declares the fact that at least 1,000,000 seals must have been in existence on the Pribilof rookeries during the season of 1896, and that Jordan's total of "376,000" for the season of 1897 is one that is evidently and self-confessedly wrong, by the very logic of events.

The exposure of the 1911 census of the Bureau of Fisheries as a sham and without any foundation of fact, April 20, 1912, to the House Committee on Expenditures in the Department of Commerce and Labor (pp. 605-606, Hearing No. 10), stirred those scientists to try again and land in 1912, with some finding of sense.

#### AN ANALYSIS OF THE FIGURES OF THE CENSUS OF THE JORDAN COMMISSION, 1896-97.

In 1897 Jordan declares "an accurate survey," based on "actual counts," shows that there are only 129,216 seal cows in existence on the Pribilof rookeries. (Treasury Doc. 1994, 1898, p. 15, Nov. 1, 1897.)

In 1912 Jordan's man of 1897, G. A. Clark, declares an "actual count" shows that full 81,000 seal cows are now in existence on the Pribilof rookeries. (Economic Circular No. 10, Dept. Com. and Labor, Dec., 1912.)

<sup>1</sup> In spite of this sworn statement made by Lembkey, Feb. 29, 1912, yet the fact that he knew that he did not give that committee a true figure is furnished by himself, as follows, in his report to the department for 1908, to wit:

"The difference between the counts of pups made in the two years is so slight as to indicate on their face that practically no change in the number of breeding cows has occurred. If these counts were taken as a criterion of the condition of all the rookeries on the two islands, we would have to believe that there has been no decrease in breeding female seals during the past year. This conclusion, however, would be hard to accept.

"If the number of breeding seals has not decreased, as these figures would lead one to believe, where, then, could the catches of the pelagic fleets have been obtained? It is known that in 1907 some 17,000 sealskins were marketed by the two fleets—Canadians and Japanese—most of which were those of female seals. This, of course, is in addition to the 15,000 young male skins taken in 1907 on the islands by the lessee. A total of 32,000 skins, therefore, was taken from the herd in 1907, which, in that year, was composed approximately of 175,000 animals, of which only 65,000 were adult and virgin cows.

"In addition to this slaughter in 1907, the catch of the pelagic fleets in 1908 has been as heavy as in the preceding year. The Canadian fleet, it is true, contains fewer vessels this year than ever before, 8 in all. As against this, however, we have an increased Japanese fleet, composed approximately of 38 vessels. Those pelagic schooners that have been spoken this year by the patrolling vessels were found to have been quite successful. The 2 schooners captured last July by the U. S. S. *Bear* had over 700 skins between them.

"With all this activity, it is impossible to believe that so many seals could have been taken out of the Pribilof herd—now only a skeleton—without decreasing the size of the herd. With so many agencies consuming the life of the herd, there is only one factor to offset this decrease, namely, the annual increment of virgin cows. If we are to accept the conclusion that no decrease occurred between 1907 and 1908, we must believe that the increment of virgin cows during the period mentioned was as large as the catch of the schooners, added to the land killing, the loss from natural causes, and the waste from seals killed in the water and not recovered. Such a conclusion can not be justified by conditions." (Appendix A, pp. 602-603, June 24, 1911, House Committee on Expenditures in the Department of Commerce and Labor.)

With that distinct understanding, as above stated by himself, that this base of his census calculation (the Jordan figures of 1897) was wholly in error, yet he returns to it, and continues the sham census, by summing it up for 1908, as follows:

"In 1907 the whole herd was estimated at 172,512. A deduction of 15 per cent from this number would leave 146,636 as the estimated number of animals in the Pribilof herd at the close of the season of 1898."

In 1913 Elliott and Gallagher declare that an "accurate survey" and close estimate show that 80,000 seal cows are now in existence on the Pribilofs.

The above records of 1912-13, declare the fact that Dr. Jordan's census of 1897 (p. 15, Treasury Doc., 1994; Treasury Dept., 1898), as above cited, was wholly misleading and far short of the truth, for the loss to that herd of seal cows at the hands of the pelagic hunters since 1897, annually, has averaged not less than 25,000, or a sum total of 350,000 cows in 14 years up to 1913.

That loss of 350,000 cows has caused a still greater loss to that herd; it has caused the loss of 350,000 newly born pups on the islands, and at the same time the loss of that 350,000 pups which would have been born had the mothers not been killed, in the years following that slaughter. That loss of three seals to the herds' sum total, when the cow seal is killed, declares that this herd of 1897 has lost annually since then at least 60,000 seals, or 840,000, from pelagic sealing alone; therefore at least 1,000,000 seals, or at least 500,000 cows, must have been in existence when Dr. Jordan declared there were only 129,216 of them on the Pribilof rookeries in 1897.

And, further, the census of 1913, showing 80,000 cows, or 190,155 seals of all classes, alive on the rookeries then, declares the fact that the census of 1890, made by Elliott, in which he located 400,000 cows (a total of 959,000 seals of all classes), was fairly accurate and well founded.

#### THE FUR-SEAL CENSUS—CONCLUDING SUMMARY, AND RECAPITULATION OF THE HOUSE CENSUS SURVEY OF THE PRIBILOF FUR-SEAL HERD OF 1913.

The sea rookery margin seals are all lying down into the surf wash to-day. All of these harems are fairly awash at this date (July 10-20, 1913), on the sea margins of the rookeries of both islands. In 1874, and again in 1890, these seals laid up above those surf-washed margins at least 7 to 10 feet higher than they do to-day. Why are they descending into the danger of "surf nipping," which will destroy those newly born pups during violent storms? Why, when there is the wide open area now vacant, on which they rested in 1874, and 1890, right behind them? <sup>1</sup> What has disturbed them? What has caused them

<sup>1</sup> The following note officially entered in the journal of the United States Treasury agent, St. Paul Island, under date of Oct. 11, 1894, gives a fair idea of what a "surf nip" is and what it means as a danger to the newly-born pups:

"*Thursday, Oct. 11, 1894.*—In company with H. D. Chichester and Nicoli Krukoff, visited North East Point and counted the dead pups, resulting in the finding of 2,847. Owing to the tremendous surf of the past few weeks the rookeries were well washed and thousands of dead pups carried out to sea. Neon Mandrigan, who is in charge of the watchmen, reported that at times the entire rookeries were submerged, and this statement is borne out by the fact that the point is almost separated from the mainland, the only passage being the sand beaches on either side, the intervening ground being covered with water, and forming a huge lake."

"*Thursday, Aug. 29, 1895.*—A howling southeaster blowing all day. A large surf on all sides of the island."

Under date of Sunday, "Sept. 29, 1895" (p. 403), as to the effect of surf nip on pups, occurs the following:

"Special Agent Adams, in company with Dr. Voss and Appolon Bordofsky, made a count of dead pups on Lagoon Reef rookery. Only one dead pup was found adjacent to the water's edge, owing to the recent southwest gales, during which the surf washed over the lower breeding grounds. The count was as follows: Dead pups, 300; pups in dying condition, 40."

On page 410, under date of "Monday, Nov. 11, 1895," Special Agent Adams declares that this rustling among the pups, cows, and bulls to count the dead pups is detrimental, in the following language:

"Examinations of the Reef, Lukannon, Polovina, Ketavie, and Tolstoi, demonstrate the fact that the seals are mixed up, pups and cows being together and hauled well back from the water, a condition which I am informed has never existed before to such an extent. It has, therefore, been impossible to make drives from the above-named rookeries. A certain drive was ordered from Middle Hill. The seals seemed restless, a condition noticeable ever since my return to the island, Sept. 13. Whether this is due to constant disturbance during the summer and breeding season, they being constantly subjected to scientific investigation, can not say positively, but am of that opinion. The counting of pups on the rookeries necessitates the driving off of all seals, and is detrimental. It should be stopped."

to lie so much lower and closer to the danger of "surf nips," which they naturally and instinctively avoided heretofore, in 1874, and again in 1890?

There is an answer, and it is this: From 1896 to date they have been hunted from above at the margins, as the holluschickie began to haul in between the harems for shelter and relief from the native drivers of the lessees.

The first work of this kind in 1890 was stopped on July 20 of that season, and was not resumed until 1894. When the *modus vivendi* of 1890-1893 ended, as it began in 1891, then this improper search for the holluschickie was renewed by the lessees annually, up to the date of their last killing in 1909. Then in 1912 began the last and most improper driving of these harems, as done by George A. Clark, for Dr. Jordan; he says that he drove all the harems up between August 1-10, 1912, from their locations, to the high lands in the rear, so as to "count" the "bunched" small black and newly born pups left behind their parents in this mad scramble and smothering rush. That disturbance prior, and since, by this driving has caused those "pocket harems" to get closer and closer to the water, so that now, to-day, no one can get in between them and the surf at any time, and so surprise and drive them.

This survey which we have just finished here on St. George Island of all of these Pribilof rookeries seems to confirm the opinion that this constant disturbance of the breeding seals, at the very time that they should be left alone of all times, is wrong; for it is done when they are still busy and nervous with their reproductive burdens and instincts, as they lie scattered on the rookeries here between August 1 and 15 following. Not only do the proofs appear that this "scientific" disturbance drives the seals down to the water's edge near the surf when they locate anew in the following year, instead of going higher above it, as they used to do, but the *St. George's* log shows clearly that it is impossible to "count" all of these pups,<sup>1</sup> and that it is only an estimate after all; no better than the cow "count" or estimate, as we have made it to-day. Taking a cow "count" at the height of the season this year with due allowance for cows which, with pups, are absent, and locating the harems as we have on these charts accompanying this description, enables one next year to do as we have done, and to follow and relocate all harems as they may appear again on the same ground; and, as they shall increase, so that ground will expand. If they decrease, that ground will be diminished in area. This shows at a glance as well if not better than any attempt to get at exact numbers, which, in fact, never can be ascertained by any man. When they shall have increased so as to overflow these boundaries of 1890, on the annexed charts, then it will be time to talk about killing "surplus" male life; and also when it does reach those boundaries of 1890, eventually to attain those of 1874, then no living man can "count" the pups, or "count" these seals. If he wants to know from that hour whether this herd is increasing or diminishing as they kill the seals annually, he will only know it as this ground occupied by them expands or retracts from the lines it occupies this year, as compared with those of last year.

<sup>1</sup> See official entries in Exhibit G, postea, showing the impossibility and the futility of attempt to count all the live pups on any rookery.

In 1874 Henry W. Elliott made the following analysis of a detailed description of the natural habit of fur seals on the breeding grounds in which he, after three successive summers spent in the study of this life, recognized the wonderful system and regular order of the wild life which these seals follow. It is found on page 67 of House Document No. 175, Fifty-fourth Congress, first session, to wit:

REVIEW OF STATEMENTS CONCERNING LIFE IN ROOKERIES.

To recapitulate and sum up the system and regular method of life and reproduction on these rookeries of St. Paul and St. George, as the seals seem to have arranged it, I shall say that—

First. The earliest bulls land in a negligent, indolent way, at the opening of the season, soon after the rocks at the water's edge are free from ice, frozen snow, etc. This is, as a rule, about the 1st to the 5th of every May. They land from the beginning to the end of the season in perfect confidence and without fear; they are very fat, and will weigh on an average 500 pounds each. Some stay at the water's edge, some go to the tier back of them again, and so on until the whole rookery is mapped out by them weeks in advance of the arrival of the first female.

Second. That by the 10th or 12th of June all the male stations on the rookeries have been mapped out and fought for, and held in waiting by the "seecatchie." These males are, as a rule, bulls rarely ever under 6 years of age; most of them over that age, being sometimes three and occasionally doubtless four times as old.

Third. That the cows make their first appearance as a class on or after the 12th or 15th of June, in very small numbers, but rapidly after the 23d and 25th of this month every year they begin to flock up in such numbers as to fill the harems very perceptibly, and by the 8th or 10th of July they have all come, as a rule—a few stragglers excepted. The average weight of the female now will not be much more than 80 to 90 pounds each.

Fourth. That the breeding season is at its height from the 10th to the 15th of July every year, and that it subsides entirely at the end of this month and early in August; also, that its method and system are confined entirely to the land—never effected in the sea.

Fifth. That the females bear their first young when they are 3 years old, and that the period of gestation is nearly 12 months, lacking a few days only of that lapse of time.

Sixth. That the females bear a single pup each, and that this is born soon after landing. No exception to this rule has ever been witnessed or recorded.<sup>1</sup>

Seventh. That the "seecatchie," which have held the harems from the beginning to the end of the season, leave for the water in a desultory and straggling manner at its close, greatly emaciated, and do not return, if they do at all, until 6 or 7 weeks have elapsed, when the regular systematic distribution of the families over the rookeries is at an end for this season. A general medley of young males are now free, which come out of the water and wander all over these rookeries, together with many old males which have not been on seraglio duty, and great numbers of females. An immense majority over all others present are pups, since only about 25 per cent of the mother seals are out of the water now at any one time.

Eighth. That the rookeries lose their compactness and definite boundaries of true breeding limit and expansion by the 25th to the 28th of July every year. Then, after this date, the pups begin to haul back to the right and left in small squads at first, but as the season goes on, by the 18th of August, they depart without reference to their mothers, and when thus scattered the males, females, and young swarm over more than three and four times the area occupied by them when breeding and born on the rookeries. The system of family arrangement and uniform compactness of the breeding classes breaks up at this date.

Ninth. That by the 8th or 10th of August the pups born nearest the water first begin to learn to swim, and that by the 15th or 20th of September they are all familiar, more or less, with the exercise.

<sup>1</sup> This question of whether or no the sex rate of pups born on the rookeries is equal was settled by Elliott in 1872, who personally handled 1,670 pups just as they were driven up in November from the St. Paul rookeries, and saw the tally of the 7,333 others summed up in the total drive of 9,002 pups made during that month for natives' food.

Each pup was examined before killing. The males were taken and the females released. Out of this total of 9,002 pups thus driven 4,825 were males.

This experiment clearly declares the equality in sex as to numbers at birth on the rookeries.

The average weight of those 4,825 pups was 39 pounds 5 ounces, and their average age when killed (Nov. 10-24, 1872) was 4 months. Some of these pups were born early in July or late in June, but nine-tenths of them between July 10 and 20; average length from tip of nose to root of tail was 23 inches.

Tenth. That by the middle of September the rookeries are entirely broken up. Confused, straggling bands of females are seen among the bachelors, pups, and small squads of old males, crossing and recrossing the ground in an aimless, listless manner. The season now is over.

Eleventh. That many of the seals do not leave these grounds of St. Paul and St. George before the end of December, and some remain even as late as the 12th of January; but that by the end of October and the beginning of November every year all the male seals of mature age—5 and 6 years and upward—have left the island. The younger males go with the others. Many of the pups still range about the islands, but are not hauled to any great extent on the beaches or the flats. They seem to prefer the rocky shore margin and to lie as high up as they can get on such bluffy rookeries as Tolstoi and the Reef. By the end of this month (November) they are as a rule all gone.

With this analysis before us to-day, after looking into every harem of the entire circuit of these rookeries, we are able to say that this is the order of their life, and that in living to-day they are following this same system as insistently as if it were never disturbed by that human agency which has brought the vast herd of 1874 to this pitiful remnant now surviving.

In 1874 every 100 feet of sea rookery margin carried on its line at least 10 bulls, and every 100 feet of depth from that margin would show a bull for every 7 feet of that. Before the cows came, before a pup was born, these bulls fought desperately on that margin, and as they progressed backward, for those stations. Then with the first arrival of the breeding females along toward the end of June and the 4th of July all this fighting ceased. Every bull seemed then to recognize the fact that from thence on until the end of the season he was the undisputed and unchallenged possessor of his station. The cows came out from the water as they do to-day, not in heat, not noticed or fought for, and they either lay as they landed or passed on over those which had preceded them, filling up the stations between bull and bull to the outer limits of those breeding bulls that we have just mentioned. During all this progress of arrival, passing into "heat," after the birth of pups, and subsequent impregnation, no fighting whatever took place between these males.

Each bull seemed to do exactly then as he does to-day; that is, rest upon the point of vantage which he gained before the arrival of the females, unchallenged by his neighbor, though he be 100 feet away or only 6 or 7 feet. He may have 100 cows to-day and be fairly lost in the medley surrounding him, as they often are under our eyes, yet the bull outside of that station perhaps 10, 20, 30, or 40 feet away may not have more than 1 cow, or may have 2 or 3. That bull never challenges the right of his more fortunate neighbor. He never steals cows. He never crosses from his station to torment or fight with the possessor of many cows, even though he has but 1, or none. We have been over this entire circuit; we have never seen a pair of bulls fighting over the possession of a cow, or in any way struggling to tear one from the other or "trample their pups to death." Not an instance of that kind has occurred in this 10 days' study of that life, during the very height of the season, directly under our eyes. It never occurred in 1872 when, on St. Paul Island, there were 85,000 of these harems and when, on St. George Island, there were 4,000; or, in all, about 90,000 rousing, fighting bulls which, as compared with the small number found to-day, do not differ in the slightest in their behavior, from their coming to their going.

The wide and scanty hauling of these bulls to-day on those breeding grounds for this season of 1913, together with the strange massing of immense harems around single bulls, while others immediately around have no part in the service, renders a tabulation on the basis of 1872-1874, or even 1890, entirely out of the question as a measure of just contrast. We will not attempt to do it. The figures for 1890 gave 11,708 bulls for St. Paul and 800 for St. George. We have against those figures 1,413 for St. Paul and 318 for St. George.

This decrease of virile male life on the breeding grounds causes the normal ratio of 15 or 20 females to a male, made in 1872-1874, now to reach way beyond that ratio, to 50 or even 100 females. Many of the bulls are very old to-day. There is no appreciable number of young males left alive to take their places on these breeding grounds, nor are they in evidence, except as a shadow of what they ought to be, as we have indicated in our figures and life study description above. They eloquently testify by their absence to the disturbance of that normal ratio, which is imperative if this herd is to regain its fine form and number as recorded in 1872 and 1874. We have destroyed by land and in the sea that equilibrium which nature had reestablished away back in 1857, after the Russians had destroyed it in 1834, just as we have done since 1889-90 on these rookeries, and we must now restore it. It can only be restored by permitting those natural laws which govern its best form and number to reassert themselves unchecked by us. We must let them alone until that year opens when they shall give us evidence that at least two or three millions of them are in existence of all classes as against the scant 200,000 living to-day.

The pelagic sealer kills all the males and all the females that come within his reach, from 1890 to 1912, getting 10 per cent males and 90 per cent females.

The lessees kill all of the young male seals, and none of the females save the yearlings which haul out on the islands from 1896 to 1910, and that killing is continued by the department to 1912.

*Result:* That (the males and females, being born equal in number) the males are all killed long before all of the females are.

*Proof:* That only 1,500 breeding males are on the Pribilof rookeries to-day, while 80,000 breeding females are there with them, and no young breeding bulls alive, to note, more than 3 years old, which do not breed until 6 years old.

#### A SWORN STATEMENT OF THE MANNER AND METHODS ADOPTED BY H. W. ELLIOTT IN MAKING A CENSUS OF THE PRIBILOF ROOKERIES, SEASONS OF 1872-1874, AND 1890.

[Hearing No. 4, pp. 184-193, July 11, 1911, House Committee on Expenditures in the Department of Commerce and Labor.]

[Cleveland Plain Dealer, Sept. 25, 1899.]

#### THE ALASKA SEAL QUESTION.

PROF. ELLIOTT DECLARES THAT THE CASE OF THE UNITED STATES HAS BEEN GIVEN  
AWAY BY THE JORDAN COMMISSION.

The final report of Dr. Jordan on the fur seals of the Pribilof Islands has been recently issued. The preliminary reports of this gentleman in 1896 and 1897 have been variously commented on in the press as they appeared during the last two years, and the public generally were led to believe that some practical good was to accrue from the investigation which he was conducting; but our people now know that



Dr. Jordan's "perfect agreement" with the British agents was a simple delusion which he so joyfully announced to the United States Senate, through Senator Perkins, in these words: "England shows every indication of a desire to do the fair thing. This intention is especially clear in the fact that she has sent an honorable commission which is familiar with all the facts ascertained by us, the head of the commission having been with me every day throughout the summer, and he and I being in agreement on all questions of policy, as well as on all matters of fact, so far as was developed by our conversation during the expedition." (Congressional Record, Feb. 28, 1897, p. 2619.)

How badly Dr. Jordan failed to understand his British colleague was made plain by that gentleman's report to his Government, issued May 10, 1897, in which Dr. Jordan was taught the sober lesson that Prof. Thompson did not subscribe to him in any question of policy respecting the management of the fur-seal herd and to no essential details of fact. (Report of Prof. D'Arcy Thompson on his mission to Bering Sea in 1896, dated Mar. 4, 1897; U. S., Nov. 3, 1897.)

Now that Dr. Jordan has given public evidence of his utter inability to understand what his own field associate on the seal grounds in 1896 intended to say or do, I believe I have a good right to show that Dr. Jordan has made an equally grave blunder in regard to what I did on the seal islands in 1872-1874, and is equally incompetent to understand what I have said. In the final report of his investigation above mentioned he devotes a large space to the subject of my work on the census of the fur-seal herds in 1872-1874, and in this space endeavors to show that I was "merely guessing," and making "Mr. Elliott wholly devoid of mathematical sense, or else must have failed to appreciate what his figures really meant."

In Dr. Jordan's preliminary report of 1896 (Treasury Department Doc. No. 1913) he alludes to this census work of mine in no such language, and mildly doubts the probability of my figures being right. He does not in this report give me the warrant to handle him without gloves which appears in this, his final report, and to handle him at once on this question is both my pleasure and a public duty.

Let me describe my early mission and its auspices. I first set out in April, 1872, for the seal islands to gather information and collect for the Smithsonian Institution. When I arrived on the islands April 22, 1872, I landed there without the slightest pressure from anyone or instructions to work out a case for lawyers and diplomats to tinker over and botch. I was to get the data as to the life history of the fur seal by observing that life on the ground, and to make as full a collection of the skins, skeletons, etc., as the circumstances of my living on the islands would permit.

I was received in the most cordial manner on the islands by both Government and lessee agents; every facility given me to work, and everything that I questioned or inquired into was answered and opened in perfect good faith and to the best of the ability of those men. I quickly made myself acquainted with enough of the Russian language so that I could freely get the personal ideas and facts possessed by the Aleuts or natives bearing on the seals, thus checking my inquiries from one person to another. I never was misinformed by design, and by so doing never permitted myself to be deceived on that score. I devoted three consecutive seasons, 1872, 1873, and 1874, to close biological study of the fur-seal life, spending the winter of 1872-73 on the islands, so that I could see with my own eyes the entire routine of arrival and departure of the seals from their haunts on the islands. The result of these studies was first briefly epitomized and published by the Treasury Department in 1874, finally, when I found that I could not arrange my private affairs so as to permit of a two years' absence from home in order to study the Russian herd, I gave my elaborated work of 1872-1874 to the late Gen. Francis A. Walker, at his solicitation, with the sanction of the Smithsonian Institution, for publication as one of the initial monographs of the Tenth Census, United States of America.

In this monograph it became imperative to omit much detail in the line of my record of daily observations on the rookeries, because if it were all incorporated the volume would be too bulky, compared with the other monographs ahead, for the funds of the Census Office to print; therefore my original colored rookery maps and hundreds of notes and illustrations, carefully drawn from life, were excluded very reluctantly by the authorities, and only then because they believed that I had covered the ground fully, even in their abridged form. When I suggested to Prof. Baird that all of the details of my chapter on the census of the seals—pictures, maps, and all—should be incorporated, he replied, saying that I had made it clear enough and easily understood in the abridged version.

Repeatedly, since the publication of that monograph in 1882, has this question of the population of the fur-seal rookeries on the Pribilof Islands been raised in my presence by naturalists of far greater ability than Dr. Jordan, and I have never failed to satisfy them of the substantial soundness of my views and figures. Now that

Dr. Jordan at this late hour attempts to impeach their integrity I propose to impale his sophisms, assumptions, and misstatements on a few pointed facts.

Dr. Jordan says (p. 77): "The next attempt at enumeration was made in 1872-1874 by Henry W. Elliott, special agent sent by the United States Treasury Department to investigate the condition of the herd. He followed the same general method inaugurated by Capt. Bryant, finding the shore extent and width of the rookeries and allotting a certain space to each individual animal. He, however, worked out the plans in much greater detail." This is a deliberate misstatement of fact. Capt. Bryant made an estimate in 1870 of the area and extent of the breeding grounds of the Pribilof Islands, when, at the time, he had never laid his eyes on a single rookery on St. George Island and had seen but three of the seven breeding grounds on St. Paul, and these he saw through a telescope from the deck of a steamer. He then made the assertion that "there are at least 12 miles of shore line on the island of St. Paul, occupied by the seals as breeding grounds, with the average width of 15 rods. There being about 20 seals to the square rod, gives 1,152,000 as the whole number of breeding males and females. Deducting one-tenth for males leaves 1,037,800 breeding females." He then proceeded to estimate the St. George seals at "about one-half the number of St. Paul."

By the very nature of things this estimate was a mere guess. The author of it never saw one-hundredth part of the area he figured on, and he did not know enough of the animals, and, for that matter, never knew enough to understand that placing 20 of them on a square rod of superficial area was a ludicrous expansion of their real method of hauling on the breeding grounds. It was the frank and good-natured personal admission of the old man, Bryant, to me, when I went up with him on the same steamer to the islands in April, 1872, that he did not know anything definite about the subject; that he was merely guessing, as any old whaler might calculate "dead reckoning" in a fog, that caused me to set so promptly to work when I arrived, on a preliminary topographical survey of the area and position of each breeding ground on the islands, as well as making surveys of the entire shore lines of both. But I had no idea as I began the work and completed it, in so far as the landed area went, of making a census of the seals upon the line of Capt. Bryant's speculation, because I early saw that there were so many variations in the sizes of the seals, the irregular massing and unmassing of the harems, that the plan of locating just so many adult seals to a given area was impracticable.

But as I hung over these rookeries day after day I became impressed with the fact that no matter whether the mother seals were present on the ground or absent on their food excursions their pups, or young ones, never left the immediate area of their birthplace on the rookery up to a time in the season not later than the 10th or 20th of each July; that if I counted them in a given area during that period I should then know just how many cows belonged to it, and only by taking the pups as my guide could I get at the real number of females. The males were steadfastly on the ground all the time, and then a general estimate for the number of virgin females could be made upon the ratio of this pup count, as it was a basis of the birth rate of the entire herd.

While this subject grew upon me, I called the attention of my associates on the island (St. Paul, 1872-73) to it. One of these gentlemen, Mr. William Kapus, was an unusually well-educated man (the company's general manager) and a man of affairs as well. He took deep interest in the solution of this seal-space problem as I presented it to him in the following form; also Dr. Kramer, the surgeon, another cultivated, scholarly man, aided me in the inquiry:

1. The seals haul out on these breeding grounds with great evenness of massing—never crowded unduly here, or scattered there—so evenly that if suddenly every mother were to appear at the height of the season there would be just room enough for all, without suffocating or inconveniencing their lives on the rocks.

2. That in estimating the number of seals in the breeding grounds we must make the number of pups present at the height of the season the unit of calculation, because their mothers are never all present at any one time, not half, and at many times not one-third of them are; that the height of the breeding season is between July 10 and 20 annually.

Upon these two fundamental propositions I stirred up a vigorous discussion and examination as to their truth or untruth among the white men then on the islands, of South Island especially, late in 1872, and until the close of the season of 1873 the settlement of this question was left open. Then each and every white man on the islands at that time (there were nine of them) subscribed heartily to the truth of these, my assumptions, as a true working hypothesis.

Now, what does Jordan say about this particular law of even distribution on the rookeries which I formulated in 1872? Before I quote him I want to say that Jordan,

when he landed on the Pribilof Islands for the first time in his life, July 8, 1896, saw nothing but a ghostly remnant of the life I was observing and studying in 1872-1874; the few seals that have in declining generations survived and were wandering about over the edges of those immense areas of deserted hauling grounds of 1872, and had ranged themselves in widely scattered and irregularly massed harems on fringes of the abandoned rookery slopes of 1872, became to his inexperienced eye "a great many thousands" and "a strong nucleus." Never having seen what I saw, he became deeply impressed with the form of what only aroused my pity in 1890, as it had stimulated my wonder and admiration in 1872-1874. With this wretched understanding and loaded to the gunwale with it, Jordan says in regard to my basic proportions as above cited:

"One who is familiar with the nature of the breeding grounds can not help feeling that in the foundation of this law Mr. Elliott did not have the picture of the rookeries before him. Had he traveled over the length and breadth of the rookeries, as was done in 1896 and 1897, he never would have proposed such a law; that there should be as many seals to the square rod on the jagged and broken lava rocks of Kitovi or on the broken slopes of Gorbatch, where the animals are now, and must have then been separated by bowlders weighing tons, should be the same as on the smooth sand flat of Tolstoi or the level slope of Hutchinson Hill is, on the face of it, impossible."

Just because I had traveled over these rookeries day in and day out, when seals were there and when absent, was why I recognized this law of distribution, and I will safely venture to say that I have taken two steps to Jordan's one in this work on the rookery grounds; with every fissure and imbedded lava rock (these loose "bowlders weighing tons" on Kitovi and only few such "bowlders" on Gorbatch), I am familiar, and I found to my surprise, at first, that Kitovi was an ideal massing ground for the breeding seals, and Gorbatch also; that these jagged rocks nearly all deeply imbedded in the detritus of the cinder and lava slopes, carried more seals than if they were perfect plane surfaces. Wherever I found a miniature lava butte on these breeding grounds (they are all of volcanic superstructure) that the seals could not scale or otherwise occupy, the area of the same was deducted from the sum of square feet belonging to the ground, and I never made the "blunder of assuming the same distribution everywhere," by taking this precaution, and in the following way: First, I carefully located the herds as they lay on the several breeding grounds during the height of the season, i. e., between July 10 and 20, which I discovered to be the time in 1872, this location was rapidly and accurately made on a land chart of the rookery ground prepared early in the season and before the seals had hauled out. By having these charts all ready, with the stations from which my base lines and angles were taken, all plainly in my view when the seals hauled out, it was a simple thing to place the bearings of the massed herds on the chart; the reef and Gorbatch grounds made a busy day's work, and no more for me, because thus prepared; the same of Zapadne. Tolstoi easily finished in half a day; same of Lukannon, same of Kitovi, Polavina a short day's work, while Novastoshals, or the large Northeast Point breeding ground, took the best part of two days. The St. George rookeries were handled in even shorter time by this method.

Not content with assuming that I had not traveled over the rookeries as he had, Jordan proceeds to ignore the written record of my work in regard to counting the pups. On page 79 of his report he makes the gratuitous assertion that I did not know that all the breeding seals were not present on the rookeries at any one time during the height of the season. Mark his language, which my published work in 1880 disproves every word of: "But of these things, Mr. Elliott was not aware. He was content to assume that all the cows were there."

What do I say about these cows, published 16 years before Jordan ever saw a cow seal and then for the first time on the Pribilof rookeries? "The females appear to go and to come from the water to feed and bathe quite frequently after bearing their young, and usually return to the spot or its immediate neighborhood, where they leave their pups." \* \* \* Again I say, "A mother comes up from the sea, whither she has been to wash and, perhaps, to feed for the last day or two." \* \* \* (Monograph, Seal Islands of Alaska, p. 39; Washington, 1880.) And still worse for Dr. Jordan, on pages 104 and 105 of the same monograph, Fish Commission edition, 1882, appears the still more explicit proof of his deliberate inability to give credit to truth. What better impalement of Jordan can be devised than these words of mine: "The umbilicus of the pup rapidly sloughs off, and the little fellow grows apace, nursing to-day heartily, in order that he may perhaps go the next two, three, or four days without another drop from the maternal fount; for it is the habit of the mother seal to regularly and frequently leave her young on this, the spot of its birth, to repair for food in the sea. She is absent by these excursions, on account of the fish not coming in-shore within a radius of, at the least, 100 miles of the breeding grounds, through intervals varying, as I have said, from a single day to three or four, as the case may be."

And with this published record of my thorough understanding of the truth that the cows are not present all the time, as early as 1872-1874, in his hands, Dr. Jordan deliberately attempts to rob me of that credit which naturalists all over this world have given to me and still give for my accurate work on these islands. I say, "he attempts," and I say it advisedly, for that is all it amounts to.

From this unjustifiable misrepresentation Dr. Jordan proceeds to make an analysis of my figures of the population of the seal rookeries, as published in 1872-1874 and enlarged upon by me again in 1880. Now he steps upon ground of legitimate criticism, and I am more than ready to meet it. With reference to my figures (Monograph, Seal Islands, p. 61), he says: "Waiving for the moment the method of obtaining these figures, we may remark that they are not easy to understand. Of this total 'of breeding seals and young,' Mr. Elliott in the same connection tells us that 1,000,000 'are young.' There must then be an equal of mothers, or 2,000,000 adult breeding females and their pups. To this must be added the young 2-year-old cows that are included, though not present. Mr. Elliott has himself given us an estimate of these. Considering of the 1,000,000 pups born 500,000 are females, he says, 'that at least 225,000 of them safely return in the second season after birth.' This, therefore, gives us a total of 2,225,000 females and young in the complete estimate of 3,193,420, leaving 868,428 animals which can only be accounted for as breeding bulls. This is impossible, and yet no other explanation of the discrepancy is at hand."

This is exactly quoted as it stands in Dr. Jordan's final report, page 79, and if it were not for the deliberate misstatement that "Mr. Elliott in the same connection tells us that 1,000,000 'are young'" there might indeed be "no other explanation of the discrepancy" at hand. But "in the same connection" I do not say anything of the kind about only 1,000,000 pups being born out of this grand total on the Pribilof Islands; on the contrary, on page 61 (Monograph, Seal Islands), I present a carefully tabulated statement of the exact ratio of seal life on the several breeding grounds of the Pribilof Islands, summing it up by the square feet of sea margin, multiplied by the average depth as "grand sum total for the Pribilof Islands (season of 1873), breeding seals and young, 3,193,420," saying as I do so, that these figures as above, show this total. Then I proposed to open another and distinctly separate enumeration of the nonbreeding, or bachelor seals, which I clearly declare entirely outside of any basic calculation, having no initial point, like the breeding seals; and I close this summary of the seal life on the seal islands on the following page.

Then I take up under an entirely different caption an entirely different question. I take up then the question of "The increase or diminution of the seal life, past, present, and prospective." I enter upon a purely speculative theme, and do not attempt to speak except in broad, general terms. Taking up that subject in this connection, and not in conjunction with the statement of facts preceding it, I enter upon a hypothetical expression of what I believe the loss of life sustained by the young seals amounts to. I use the broad, general assertion that "1,000,000 pups, or young seals, in round numbers," are annually born upon these islands of the Pribilof group every year." Naturally to point my speculation in figures of loss, which follows, it is better and easier to say "1,000,000" than 1,296,710, which would be the exact line of figures if the speculation was treated as a matter based upon fact. But I merely assume that half of the pups get back as yearlings next year, and that assumption is as well or better illustrated by a general figure than a specific one. The result is precisely the same anyway, and really has in either case of exact or general figures the same value. In my own mind at the time I was inclined to think that fully one-half of these pups did not get back, and so I preferred the general or indefinite figure rather than to strain an exact division of the pups into a vague theory. Jordan himself is guilty of this fusion of fact and theory repeatedly in this report. But I never have permitted it in my work.

Dr. Jordan proceeds to make himself still more erroneous in assumption. He says: "But if these figures were in themselves reasonable we must still take exception to the method by which they were obtained. \* \* \* On his method of surveying the rookeries, Mr. Elliott has given us practically no data."

The stupidity, or else the effrontery, of this statement as to my giving him no data can be well understood by reference to the elaborate charts of these breeding grounds which are published in my report of 1890. (H. Doc. No. 175, 54th Cong., 1st sess.) These surveys were so elaborate and so full of detail that Gen. Walker in 1880 was unable to publish them in the Census Monograph, owing to lack of funds for their preparation, and I reluctantly inserted a small series of indeterminate pen-and-ink sketch maps to illustrate the general idea, but in 1890 I took them up to the islands with me and placed my work of that season on them in turn, making in this way the very best contrast of the condition of 1872-1874 with that of 1890 that could have been devised.

Unlike Dr. Jordan, I am not a barber's apprentice in topographical work. I served three summers under the best of topographers in the field, 1869-1871, inclusive, doing exactly such work as this on the seal islands; i. e., making original surveys of unmapped districts in the Rocky Mountain region. Until I made my surveys of the seal islands, in 1872-1874, there was nothing on the maps that faintly resembled the area, the contour, or the topography of the Pribilof group. The Russian charts of them were perfect caricatures and the American copies no better.

So good were my charts of St. Pauls Island that a surveying party of the United States Coast Survey, when it landed there in July, 1874, asked for and received from me copies of it, which they did not alter in the slightest noteworthy degree after spending a week on the ground, and it was shortly after published by the Coast Survey Office, with scant credit to me, its author. However, I care nothing for that, and I only mention it because Dr. Jordan calls in one of his subordinates to appear as a swift witness against me as a surveyor. Jordan says: "Of these maps Capt. Moser, in his hydrographic report on the islands, made certain tests. Of Mr. Elliott's shore line he says: 'It was a bad misfit and rarely stood the test of an instrument angle.' He further says of the topography of the maps that 'it is so vague and indefinite that it is next to impossible to do anything with them. I should call them sketches.'"

It will do Jordan good and take the conceit out of this Capt. Moser to know that these charts of mine stood the test of instrument angles to the entire satisfaction of Capt. J. G. Baker, U. S. R. M., and Lieut. (now Capt.) Washburn Maynard, U. S. N., in 1874, and Capt. Colson, U. S. R. M., in 1890. Each and every one of those trained hydrographers expressed their approval of these charts and their surprise at the accuracy with which I had plotted the shore lines. Capt. Maynard, in 1874, went all over the rookeries with my detailed charts of the same, made in 1872-73, and between us, there, we verified and corrected every one of them, so that these records which I made in those years can not be whistled down the wind by any inexperienced or jealous man or men.

Following this attempt to destroy the sense of my chart work (on p. 80), Jordan raises a question, and then answers it, as usual, wrong. He says: "To each one of the 7 of the 10 rookeries of St. Paul Island Mr. Elliott ascribes an average width of 150 feet. Two of the remaining breeding grounds have an average width of 100 feet each and the third 40 feet. \* \* \* Whatever the average width of each rookery may have been, it was certain it was not the same for all. Neither now nor at the past times Tolstoi, Polovina, Vostochin, the Reef, Kitovi, Lukannin, and Zapadin had the same average width. The 150 feet is a guess and that only."

A guess, and that only! Indeed. The utter ignorance of the method of my work which Dr. Jordan assumes, or really is afflicted with, can be well understood when I take up, for instance, the case of Tolstoi, to show how easy it is for certain people, like Jordan, who, having ears, hear not; and eyes, see not. On page 38 of my 1890 report which was in Jordan's hands when he first started for the seal islands, appears the following detailed explanation of each and every step taken by me in surveying each and every rookery as well as Tolstoi:

*Detailed analysis of the survey of Tolstoi rookery, July 10, 1910.*

[Sea margin beginning at A and ending at D.]

	Square feet.
800 feet sea margin between A and B, with 80 feet average depth, massed...	64,000
400 feet sea margin between B and C, with 60 feet average depth, massed.....	24,000
1,600 feet sea margin between C and D, with 10 feet average depth, massed..	16,000
Jag E has 300 feet of depth, with 40 feet average width, massed.....	12,000
Jag F has 100 feet of depth, with 40 feet average width, massed.....	4,000
Jag G has 120 feet of depth, with 40 feet of average width, massed.....	4,800
Total square feet.....	124,800

The annexed colored chart <sup>1</sup> that this legend illustrates carries all these stations and base line points in detail. Every topographical feature is faithfully indicated on it, and these specialized lines of average depth were drawn over these sections of the herd as it lay upon the ground on that day and date—the proper time of the season.

Now, in order that this detailed analysis of Tolstoi can be summed up in one compact sensible expression I take the entire length of its sea margin, 2,800 feet, and divide the entire sum of its square feet of massed area, 124,800 feet, by it; that

<sup>1</sup> Not printed.



enables me to say, "July 11, 1890, Tolstoi has 2,800 feet of sea margin with 44½ feet of average depth—124,800 square feet of superficial area, making ground for 62,400 breeding seals and young."

Here is the result in detail of my survey of Tolstoi in 1872, which was verified by myself and Capt. Washburn Maynard, United States Navy, in 1874:

*Detailed analysis of the survey of Tolstoi rookery, July 15, 1872.*

[Sea margin beginning at A and ending at D.]

	Square feet.
1,000 feet sea margin between A and B, with 350 feet average depth, massed..	350,000
400 feet sea margin between B and C, with 150 feet average depth, massed..	60,000
1,600 feet sea margin between C and D, with 30 feet average depth, massed...	48,000

Three thousand feet sea margin on Tolstoi breeding ground and 458,000 square feet in it, making ground, in round numbers, for 225,000 seals.

It will be noted that in this Tolstoi summary for 1872 I ignore the real presence of 8,000 square feet, and deliberately reduce that estimate of seals from 229,500 to 225,000, because I never ran the risk in my work of 1872 and 1890 of being a foot or two ahead of the real average. I carried this cautious reservation all through my surveys of each and every rookery, and this is the reason why Capt. Maynard, my associate in the work of 1874, makes his estimate, based upon this survey, of the sum total of Pribilof seal life so much higher than mine. He declared that he was satisfied from close personal supervision of taking all our land angles in 1874 that I was safely inside of the real limit of supervision and that the figures of the survey were conservative and right. He was then, as he is now, a skilled mathematician and hydrographer, and he had the right to his opinion based upon the figures of that careful work. Yet Jordan has the sublime impertinence in 1898 to sneer at this unbiased, careful survey of 1872-1874, by saying "the 150 feet is a guess, and that only." (P. 80, note.)

I used these figures of 1890 in detail for Tolstoi because I do not give the detailed analysis or figures of 1872-1874 (only the summary) in my 1890 report of its sea margin and square feet, viz, "3,000 feet of sea margin, making ground for 225,000 breeding seals and their young," not deeming it necessary to produce so many detailed figures when my charts for both seasons were in full evidence in the published work of 1890.

As with Tolstoi, so with every other rookery on the Pribilof Islands. But Jordan, holding all this incontestible proof of careful survey in his hands, can not "verify Mr. Elliott's surveys of the rookeries."

Jordan also, in this connection, has been careful not to quote the reason why I made these elaborate charts in 1872-1874. If he did, he would render his method of counting the seals, or rather guessing at the exact count of individual bulls, cows, and pups, idle and abortive. I said in 1874, speaking of my law of uniform distribution of breeding seals on the rookeries: "This fact being determined, it is evident that just in proportion as the breeding grounds of the fur seal on these islands expand or contract in area from their present dimensions, the seals will increase or diminish in number." How well my charts of 1890, laid upon those of 1872-1874, tell that story. How futile the rambling and self-contradicting seal-counting work of Jordan to express the truth. Listen to Jordan himself, on page 101. He unwittingly trips himself there on this very point: "The only reliable basis of enumeration has been found and determined. This is a count of live pups." (This is what I published in 1872-1874.) Then on page 341, part 2, Jordan hamstrings himself in the following language: "It is evidently impossible to make an accurate census of the seals on St. Paul Island, because on the great rookeries, as the Reef Torbatch, Tolstoi, and Zapadin, no one can either estimate or count the cows (sic); nor can one do it at Polovina, because there is no one point of view where the whole rookery is visible; even the bulls can be only roughly estimated." Very true, Dr. Jordan; but why does Dr. Jordan, on page 83, part 1, call in this remarkable witness to his own inability to reason on his own lines of argument? "In the same year (1879) Mr. Beaman records, under date of June 10, that 'there were a couple of thousand bulls' on Polovina rookeries, when Mr. Elliott estimates fully 10,000 in 1874."

I never made the blunder of attempting to count all the bulls, all the cows, or all the pups on any rookery in 1872-1874. The utter stupidity of such a step never entered my head. It never did in 1890, even when the ragged remnant of the great life of 1872 was before me. It has only remained for Jordan and his job lot of assistants to race up and down these desolated breeding areas, in their idle attempts to do so, and the record of the self-contradiction of their own work bristles with the folly of it on a score of pages in his report.

I can not ask for space here to express the rapid succession of erroneous assumptions and studied misstatements which are strung on the wire of this report—that I



shall gain later—but I will pick Dr. Jordan up on one more point, in conclusion. On page 80 Dr. Jordan says: "But aside from the question of accuracy in the surveys themselves, Mr. Elliott has assigned an impossible space to each individual seal. His unit of space is 2 square feet to each animal, young or old, or 4 square feet for the cow, ignoring the pups. \* \* \* In a standing position she (the cow) would need at least 3 square feet, but as the cows are constantly moving about and coming and going to and from the sea, it is impossible to limit one to such space."

At this point, and in this connection, Jordan may be pardoned for his inability to understand the massing of the breeding seals in 1872–1874, when there were seven to ten times as many of them as contrasted with their number when he first saw them in 1896. In 1890, when I landed on the seal islands after a continuous absence from them for 16 years, the sight of their abandoned and shrunken grounds impressed me instantly; not so were the newcomers, the Treasury agents who traveled up with me; they, like Jordan, only saw "thousands of seals—many thousands," and it was really hard to get them to appreciate the gravity of the condition of the herd. I told them on the 1st of June, 1890, that they would not get the quota of 60,000, and not a man, agent of company or Treasury, or a native, for that matter, then agreed with me on the islands. But by the end of the month they saw the truth as I had declared it.

Here is what I published in 1872–1874, relative to the seal unit of space, and it is clear enough to men who have reasoned to the line with me on the ground itself; to men like Capt. Maynard, United States Navy, 1874, and William Kapus, general manager of the lessees in 1872–1873, and all of their official associates who were with them at that time:

*"Rookery space occupied by single seals.*—When the adult males and females, 15 or 20 of the latter to every one of the former, have arrived upon the rookery, I think an area a little less than 2 feet square for each female may be considered as the superficial space required by each animal with regard to its size and in obedience to its habits; and this limit may safely be said to be over the mark. Now, every female or cow on this 2 feet square of space doubles herself by bringing forth her young, and in a few days, or a week, perhaps, after its birth the cow takes to the water to wash and feed and is not back on this allotted space one-half of the time again during the season. In this way is it not clear that the females almost double their number on the rookery grounds without causing the expansion of the same beyond the limits that would be actually required did they not bear any young at all? For every 100,000 breeding seals there will be found more than 85,000 females and less than 15,000 males; and in a few weeks after the landing of these females they will show for themselves—that is, for this 100,000—fully 180,000 males, females, and young, instead, on the same area of ground occupied previously to the birth of the pups.

"It must be borne in mind that perhaps 10 or 12 per cent of the entire number of females were yearlings last season and come up onto these breeding grounds as nubile for the first time during this season—as 2-year-old cows. They, of course, bear no young. The males, being treble and quadruple the physical bulk of the females, require about 4 feet square for their use of this same rookery ground; but as they are less than one-fifteenth the number of the females—much less, in fact—they therefore occupy only one-eighth of the space over the breeding ground, where we have located the supposed 100,000. This surplus area of the males is also more than balanced and equalized by the 15,000 or 20,000 2-year-old females which come onto this ground for the first time to meet the males. They come, rest a few days or a week, and retire, leaving no young to show their presence on the ground.

"The breeding bulls average 10 feet apart by 7 feet on the rookery ground; have each a space, therefore, of about 70 square feet for an average family of 15 cows, 15 pups, and 5 virgin females, or 35 animals for the 70 feet—2 square feet for each seal, big or little. The virgin females do not lay out long, and the cows come and go at intervals, never all being on this ground at one time, so the bull has plenty of room in his space of 70 square feet for himself and harem.

"Taking all these points into consideration, and they are features of fact, I quite safely calculate upon an average of 2 square feet to every animal, big or little, on the breeding grounds at the initial point upon which to base an intelligent computation of the entire number of seals before us. Without following this system of enumeration a person may look over these swarming myriads between Southwest Point and Novastoshnah, guessing vaguely and wildly at any figure from 1,000,000 up to 10,000,000 or 12,000,000, as has been done repeatedly. How few people know what a million really is. It is very easy to talk of a million, but it is a tedious task to count it off, and makes one's statement as to 'millions' decidedly more conservative after the labor has been accomplished.

"I am satisfied to-day that the pups are the sure guide to the whole number of seals on the rookeries. The mother seals are constantly coming and going, while the pups

never leave the spot upon which they are dropped more than a few feet in any direction until the rutting season ends; then they are allowed, with their mothers, by the old bulls to scatter over all the ground they want to. At this date the compact system of organization and massing on the breeding grounds is solidly maintained by the bulls; it is not relaxed in the least until on and after July 20." [*Transcript from the author's field notes of 1874. Nah Speelkie, St. Paul Island, July 12.*]

Now, with this life study before him, proportioned to the exact attitudes, sizes, and disposition of a harem of fur seals, what does Jordan say? Hear him: "It is true that Mr. Elliott justifies in part his small unit of space by certain references to the coming and going of the animals. He asserts that after the pups are born the 'individual cows are' not on their allotted space one-fourth of the time, and that the females 'almost double their number on the rookery ground without expanding its original limits.' But Mr. Elliott failed to grasp what this really meant. He sees in it only justification for the unit of space, which he has assigned to the individual animals. It should have called his attention to the fact that the breeding seals which he saw before him, and which he was attempting to enumerate, were but a part and not the whole of the rookery population."

It seems utterly incredible that any man with the least regard for the express command of written directions like those which I have published, as above quoted, could make such a ridiculous and senseless reduction of them. Dr. Jordan has, however, done so, and here we have the evidence of his weakness in cold type.

In closing I can fitly say that the shame and ruin which overtook our cause of the fur seals at Paris in 1893 was no sin of mine, and the continuance of that shame and mummery of shallow experts on the rookeries in the Treasury and in the State Department up to the close of Jordan's work in 1898 was also against my protest. Now that the curtain has rung down on this last seal commission farce of our Government, with its harlequin show of branding baby fur seals on the islands, "perfect agreement" with England, and searching the seal sacks of our returning women from Canada and Europe in New York, all to the utter indifference of the pelagic sealer, whom the business was to hurt, it is to be hoped that a further confession of this impotence of our people to meet the Canadians in open argument for some method of saving our fur-seal herd from indecent and cruel slaughter may be avoided.

The responsibility for the ruin of the Pribilof herds primarily belongs to Benjamin Harrison, James G. Blaine, and the two Fosters—"ex-Gov." Charles and the "Hon." John W. We had an admirable case and abundant information at our command, but the two Fosters (*par nobile fratrum!*) ignored it, and put the whole question into the hands of vaporing lawyers and ridiculous experts. They gave us the absurd Paris "regulations" in 1893.

The steady continuation of this scandalous order on the seal islands since has been made by the indifference of Grover Cleveland and the wretched egotism of Richard Olney (had Gresham lived the tables would have been turned), ably supplemented by the present administration.

The whole business since 1890 has been a scandal in our departments and an imposition upon the taxpayers of the United States.

HENRY W. ELLIOTT.

LAKEWOOD, OHIO, *September 20, 1899.*

Mr. ELLIOTT. It was this publication, as above, which opened the eyes of Secretary John Hay and caused him to agree with my proposal made to him April 2, 1900, per Hon. Theodore E. Burton (my Representative), and which led to my engagement with him of April 30-May 3, 1900, by which the act of April 8, 1904, was secured by my initiation, and by which authority he reopened this fur-seal case with Great Britain April 16, 1904, with me as his adviser and expert in the premises.

In hearing No. 14, pages 1000-1001, July 30, 1912, House Committee on Expenditures in the Department of Commerce and Labor, appears the following relation with regard to the census of 1872-1874:

Mr. ELLIOTT. During the hearing of the Senate Committee on Territories on "General conditions in Alaska," February 23, 1912, I was called upon by the chairman, Senator William Alden Smith, to inform the committee how I made my enumeration, of the fur-seal herd in 1872-1874, and the following statement and inquiries were made to wit (pp. 17, 18, 19):

"Senator HITCHCOCK. Are they unable to count the seals there?"

"Mr. WILSON. I could not really answer that question.

"Senator CHAMBERLAIN. I do not see how they could count them.

"Mr. WILSON. It is a difficult matter to count them on the rookeries.

"The CHAIRMAN. I am going to ask Mr. Elliott if it is a difficult matter to count them; he is an expert on the subject.

"Mr. ELLIOTT. They can not be counted.

"Senator NELSON. What is the amount of the herd now?

"Mr. ELLIOTT. Nobody knows definitely. There may be 50,000, there may be 60,000, there may be 100,000. There is just a little thin line of life left.

"Senator NELSON. What was the amount of the herd when the lessees took it—the first lease?

"Mr. ELLIOTT. Four million seven hundred and fifty thousand.

"Senator SHIVELY. What year was that?

"Mr. ELLIOTT. 1872.

"Senator SHIVELY. And now you say there may be 50,000 or 100,000?

"Mr. ELLIOTT. Nobody knows.

"Senator SHIVELY. Well, what is your estimate?

"Mr. ELLIOTT. My estimate is like theirs. I have not been up there since 1890.

"Senator SHIVELY. Is it a mere guess, and is it possible that there has been no reduction?

"Mr. ELLIOTT. Since 1890?

"Senator SHIVELY. Since 1872.

"Mr. ELLIOTT. Oh, no; no, indeed. We knew definitely—

"Senator HITCHCOCK. You could count them, then, when you were up there, and found that there were 4,000,000; why is it not possible that they can be counted now?

"Mr. ELLIOTT. I did not count them. I surveyed the area of the breeding grounds upon which they rested, that area being definitely ascertained by a plane table survey. Into that superficial area I multiplied a composite unit of calculation. These seals in lying upon this ground obeyed the natural law of distribution—so many to a given area, never more here nor there, but uniformly distributed over this area, whether it was large or small. That area being ascertained by a plane table survey—a topographical survey—I multiplied into that superficial area a unit of space occupied by the composite seal, and that gave me 4,700,000.

"The CHAIRMAN. For whom were you acting then?

"Mr. ELLIOTT. The Smithsonian Institute—the Government.

"The CHAIRMAN. Under whose authority?

"Mr. ELLIOTT. The Secretary of the Treasury.

"Senator HITCHCOCK. Is that the only time you have ever estimated them?

"Mr. ELLIOTT. The second time I took the subject up was nearly 20 years later—in 1890.

"Senator HITCHCOCK. And what did you find?

"Mr. ELLIOTT. I applied the same system, and I found 959,000.

"Senator SHIVELY. As against 4,000,000 on your first survey?

"Mr. ELLIOTT. Yes. And since then they have been shrinking and shrinking, and the London sales show in the last six or seven years that they have been killing nothing but the dregs; there is practically nothing else left.

"Senator NELSON. What is your opinion about land killing?

"Mr. ELLIOTT. The land killing is primarily responsible for the destruction of the herd. I brought the proof—overwhelming proof—before two committees of Congress.

"Senator NELSON. That is the conclusion of the subcommittee which went up there in 1903; we came to the conclusion that they not only ought to stop pelagic sealing, but all land killing, in order to restore the herd.

"Mr. ELLIOTT. Yes, sir.

"Senator NELSON. Did not the Russians adopt that course?

"Mr. ELLIOTT. Certainly. They were compelled to do it. When there was no pelagic killing of the herd, they destroyed the herd by the same methods we employ to-day.

"Senator NELSON. For how long did they prohibit killing?

"Mr. ELLIOTT. Ten years.

"Senator NELSON. And that restored the herd?

"Mr. ELLIOTT. Yes; although not to its full capacity.

"Senator NELSON. At that time, when the Russians took that course, there was no pelagic sealing?

"Mr. ELLIOTT. They had never heard of it.

"Senator NELSON. It was all land killing?

"Mr. ELLIOTT. It was all land killing.

"Senator NELSON. And yet the Russians found it necessary to stop that altogether to restore the herd?

"Mr. ELLIOTT. Exactly. They were killing the male seals, as we have been doing for 20 years.

"Senator NELSON. What was the age of seals killed last year?

"Mr. ELLIOTT. They were mostly yearlings.

"Senator NELSON. What is the proper age to kill them?

"Mr. ELLIOTT. They should not be killed under 2 years of age.

"Senator NELSON. And most of those killed last year were yearlings?

"Mr. ELLIOTT. Indisputably so. It is all a matter of evidence.

"Senator SHIVELY. And when the Russian Government again allowed seal killing they put strict limitations on the land killing?

"Mr. ELLIOTT. They had autocratic power, but their experience taught them to put that limitation on them.

"Senator SHIVELY. But they did——

"Mr. ELLIOTT. Yes, they did; and they so preserved the birth rate by allowing the necessary number of males to keep up the herd.

"The CHAIRMAN. You may go ahead with your statement, Gov. Clark."

In closing this topic, it is in order to submit an exhibit of the facts which show us the cause of that commercial ruin of our fur-seal herd which we now observe on the Pribilof Islands.

If it were not for these records elaborately and systematically made on those desolate hauling grounds, which Elliott published in 1874 and 1890, it would be fairly impossible to get an adequate idea of what an immense herd of fur seals was in existence when we took possession of Alaska in 1867.

Then, when that idea is grasped, and it is made clear that ever since 1857, up to the hour of 1867 when the herd became ours, this wild life had remained at about a steady annual number of 4,700,000 seals of all classes, we ask: What have we done to reduce it, so by this year of 1913 all that we find surviving of it are only 190,555 seals of all classes?

Why did we lose this herd, when the Russians easily kept it from 1857 to 1867 in that fine form and number?

The answer is made easy in the light of the following facts:

I. It is a fact of indisputable record that the Russians never killed or disturbed the female seals on the rookeries of St. Paul and St. George Islands from start to finish of their possession of them.

II. It is a fact of indisputable record that from 1786-87 up to 1800 the Russians annually took from 120,000 to 60,000 young male and yearling seals from these hauling grounds, and during all that time never took any seals at sea nor were these seals taken at sea by any other people, save the few annually secured by the Northwest coast Indians.

III. It is a fact of indisputable record that the Russians, beginning in 1800 with an annual catch of 40,000 young male seals and yearlings, by 1817 had the greatest difficulty in getting that number then, and notes of protest against the killing on the islands were sent to Sitka by the caretaker, Kazean Shaishnikov, of St. Paul Island, urging the governor of the R. A. Co. to rest the seals from killing for a term of years. No pelagic sealing was known to the Russians during this period of any kind.

IV. It is a fact of indisputable record that while the protest of Shaishnikov was noticed favorably by the governor, yet the directors of the R. A. Co. at St. Petersburg did not consent; that they renewed their orders to kill, and sent one of their number, Gen. Yanovsky, out from St. Petersburg in 1818 to the seal islands, charged with the business of examining into the cause of this loss of surplus male life on the islands.

V. It is a fact of indisputable record that Yanovsky, in 1820, after spending the entire season of 1819 on the Pribilof hauling grounds and rookeries, made a confidential detailed report which declared that this immense decline in the life of the fur-seal herd was due entirely to the annual killing of all of the young male seals and yearlings which the drivers of the company could secure; he urged a complete cessation of it for a term of years.

VI. It is a fact of indisputable record that this request of Gen. Yanovsky was ignored by the directors, and the orders to get all of the young male seals and yearlings were annually renewed;<sup>1</sup> and

VII. It is a fact of indisputable record that at the end of the season of 1834, instead of getting 20,000 holluschickie, they secured, with the "utmost exertion," only 12,000 "small" (yearling) seals; and that with the end of this season's work the herd was so reduced that the directors were obliged to order a 10 years' rest to all commercial killing on the islands, which went into effect in the summer of 1834, and was faithfully enforced; so that by 1844 commercial killing was resumed of a relatively small number, beginning with 10,000 to 13,000, increasing gradually annually up to 1857, when this herd yielded that year 62,000 "choice young male" seals, and the herd itself had regained its natural and normal maximum number, viz, from 4,500,000 to 5,000,000 seals of all classes.

VIII. It is a fact that during all this period of decline and restoration of the Russian herd from 1800 to 1857 there was nothing known of, or hinted at, which is now so well known as "pelagic sealing."

IX. It is a fact that when we took possession of the herd we leased them to a corporation with a permit to take annually 100,000 young male seals, or 40,000 more every year than had been the average number taken by the Russian management since 1857.

X. It is a fact of indisputable record that by 1883 our lessees had great difficulty in getting their quota this year of 100,000 "prime" 3 and 4 year old skins; that they began to scour the hauling grounds for them, and increased the rigor of that search and driving annually thereafter.

XI. It is a fact of indisputable record that up to this time of first difficulty since 1870, of getting annually 100,000 fine young male seals, no pelagic sealing of the slightest consequence was in operation; only six or seven small vessels, busy for a few weeks in the year, off the Straits of Fuca and west coast of Vancouver Island, had appeared in the sea up to the opening of the season of 1886.

(1) Therefore, in the light as above clearly and fairly thrown by these records of past experience, we now know that the Pribilof herd

<sup>1</sup> As Yanovsky's report was a confidential paper, and as such seen only by the board of directors, we have no details beyond those given out, as below, and taken from the records of the administrative office at Sitka. It is, however, very clearly stated that the excessive killing of young male seals is the sole cause of the impending ruin of the herd, to wit:

"In his report No. 41, of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, 'sekatch' and half 'sekatch,' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

"This view is confirmed by experience. In order to prevent the extinction of the seals it would be well to stop the killing altogether for one season and to give orders that not more than 40,000 are ever to be killed in any one year on the island of St. Paul, or more than 10,000 in any one year on the island of St. George.

"Mr. Yanovsky considers that if these measures are adopted the number of seals will never diminish. The board of administration, although they concur in Mr. Yanovsky's view, have decided not to adopt the measures proposed by him unless it is found that there is no migration of seals to the two small islands which are believed to exist to the south and north of the chain of islands. \* \* \* [Letter of the secretary of board of directors R. A. Co., St. Petersburg, Mar. 15, 1821, to Gov. Muraiev, Sitka, Alaska.]



was reduced to the very same commercial ruin by 1834 which we now find our herd reduced to in 1913.

(2) And that this ruin of 1834, and again in 1913, was caused by the very same close killing annually of all the young male seals, and yearlings that could be secured by the greedy Russian contractors, and in turn by our lessees.

(3) And that the Russians, to save and restore the herd, were compelled to stop this excessive and improper killing in 1834, and suspend any commercial killing on the islands for 10 years thereafter, or up to 1844-1846.

(4) And that the experiment of annually taking 100,000 choice young male seals, since 1870 up to 1890, by our lessees, as against the habit of taking 60,000 annually by the Russian lessees, was a bad one; and that this number of 100,000 "surplus male seals" was an excessive and destructive killing, which has led to a complete elimination of the breeding male life of the herd, as we see it to-day, and which policy, if continued, will surely exterminate the species itself.

**DR. JORDAN'S RECENT ATTEMPT TO SHIELD THE ILLEGAL AND RUINOUS KILLING ON THE SEAL ISLANDS BY THE LESSEES AND GOVERNMENT AGENTS SINCE 1896 TO DATE OF DECEMBER, 1912.**

This anxiety to shield the lessees from any criticism or punishment for this illegal work of killing young seals has been carried by Dr. Jordan to the extreme limit of issuing through the Department of Commerce and Labor, by the consent and approval of Secretary Charles Nagel, a statement, on December 20, 1912, entitled "Economic Circular No. 4," with this preface, as follows, by Mr. Nagel:

**TRUTH ABOUT THE FUR SEALS OF THE PRIBILOF ISLANDS.**

[Department of Commerce and Labor, Bureau of Fisheries. Economic Circular No. 4, issued Dec. 20, 1912.]

A treaty was entered into July 7, 1911, by the United States, Great Britain, Japan, and Russia, intended to prohibit pelagic sealing. In August, 1912, an act to give full effect to the treaty was passed by Congress.

In view of these facts and of recent discussion as to the best method of management of the fur-seal herd, the department determined to have a careful examination and study made during the season of 1912. Mr. George A. Clark, secretary of the Fur Seal Commissions of 1896 and 1897, and special investigator on the seal islands in 1909, was sent to the islands for that purpose. The following statement, drawn up by him and Dr. David Starr Jordan, commissioner in charge of fur-seal investigations in 1896-97, is based primarily upon Mr. Clark's investigations of the past season. It presents the important and essential facts so clearly that the department publishes the statement for the information of all who are interested in the fur-seal question.

Instead of telling Congress and the people to whom it was sent under the frank of the department the "truth," it has told nothing but untruth, and a few examples of the most flagrant and brazen untruths will be submitted, as follows:

**STATEMENT OF DR. DAVID STARR JORDAN AND MR. GEORGE A. CLARK.**

\* \* \* \* \*

The fur seal is a polygamous animal. Steller, its discoverer, found it in a state of nature in families numbering 8, 15, 50, and even 120 females to 1 male (p. 1).

This quotation of Steller, as above made by Jordan, who only saw these animals during a few days in June, 1742, and then under cir-



cumstances of great distress and anxiety for himself, is simply idle, for no study of that life was ever made by "its discoverer," or could be.

\* \* \* An exact count of the full birth rate of pups in 1912 showed an average family of 60 cows to each bull, with idle bulls to spare (p. 2).

The official proof is in evidence of the fact that an "exact count" of the "full birth rate of pups in 1912" was never made, since all the attempts to make such a "count" in the seasons of 1901, 1902, 1903, 1904, 1905, and 1906 by trained, trusted agents were and are all self-confessed failures, and are so recorded. (See Exhibit G, *postea*.)

\* \* \* Female seals are protected by law and custom from killing, and the breeding seals are in no way disturbed. A definite breeding reserve of the young males is marked and set aside from the animals first arriving in the spring before commercial killing is begun. The 3-year-old males and the larger 2-year-olds are killed, the younger and older animals found on the hauling grounds are released and returned to the sea, the former to be the basis of the future quota, the latter to replenish the stock of breeding males (p. 2).

That this "breeding reserve" has not been made and that yearlings (not "larger 2 and 3 year old males") have been killed by thousands and tens of thousands since 1890, up to date of 1913, is absolutely proven in Exhibits A, B, E, and F, and self-confessed therein (*antea postea*).

\* \* \* \* \*  
The processes of land sealing do not contravene that natural law which decrees that the fittest shall survive. The struggle for existence in the case of the seal occurs at sea, where it gets all its food and where it spends the winter. The harsh conditions of the northern winter constitute a sifting process by which the old, the weak, and the inefficient are ruthlessly weeded out. Each animal returning to the islands in the spring is physically and vitally the best of its kind (p. 2).

The "harsh conditions of the northern winter" are never met by the seals; they leave the Bering Sea and the North Pacific annually, long before any ice appears there; they are in the same water as for temperature and weather during December, January, February, and March as they were in during June, July, August, and September prior annually; they are off San Francisco, Cal., in December, off Washington in March, and then go back to Behring Sea by June and July. There is no "struggle for existence at sea," such as Jordan asserts. It is fiction, not "truth," which he publishes.

Man's selection for his own uses is not of the best, but of a given age or size, among animals otherwise alike equally fit (p. 2).

The lessees have taken every young male seal from 2 years old up to 4 years annually that they could find on the islands since 1896. If that is not getting all of the "best," then nonsense is sense, and Jordan is right. (See proof of this in Exhibits A and B *antea* and *postea*, where the full detail is given.)

At the time of the transfer to the United States the herd numbered about 2,500,000 animals. In 1896-1897 it numbered about 400,000 animals. It numbers in the season of 1912 about 215,000 animals (p. 3).

The fact that Jordan has not the slightest warrant for saying that this herd only numbered in 1867 "about 2,500,000 animals" and in 1896-97 only "400,000 animals" is set forth in detail by Exhibit A *antea*. The nonsense and bald assumption of his census of 1896-97

is clearly shown up there by the fact that 190,555 seals were found alive in 1913, when, during all that period between—16 years—it has suffered an annual average loss of 80,000 seals, there must have been at least 1,000,000 seals alive in 1896-97.

The cause of the decline of the herd is found in the development of a rival form of sealing, now known as pelagic sealing, taking advantage of the migration journeys and distant feeding habits of the seals (p. 3).

The chief "cause of the decline" is due to the illegal and injurious killing of all the young male seals that the lessees could secure annually from 1883 to 1913, inclusive, and continued during 1910, to its merciful prohibition, August 24, 1912. (See Exhibits A antea and B postea.)

The evil effects of pelagic sealing were early recognized and efforts made to stay the development of the industry. The United States sought through arbitration with Great Britain to establish jurisdictional rights in Bering Sea for the protection of the herd, and, failing in this, by joint regulations formulated by the Paris Tribunal of Arbitration in 1893 attempted to restrict and limit the pelagic hunting. The regulations failed of their object because of the long period of gestation and the distant feeding and migration journeys of the animals. A joint commission of inquiry, including British as well as American scientists, after two seasons of thorough investigation, reached the agreement that the herd's decline was due solely to the killing of females involved in pelagic sealing and foreshadowed the abolition of pelagic sealing as the only remedy. Incidentally, this commission exonerated the operations of land sealing, which had been accused in 1890 of being concerned in the herd's misfortune, from responsibility for it (p. 4).

That "joint commission of inquiry, including British as well as American scientists," did not "reach the agreement that the herd's decline was due solely to the killing of females involved in pelagic sealing," and it did not even hint at an "agreement" which foreshadowed the abolition of pelagic sealing. This is a falsehood, and utterly inexcusable in its relation here, with its bald, self-confession as such, in that "joint agreement" signed up by Jordan with his British associates in the Department of State, November 16, 1897.

After long-continued effort, on July 7, 1911, the United States obtained the cooperation of Great Britain, Russia, and Japan in a treaty abolishing pelagic sealing for 15 years. In this treaty the United States and Russia, as owners of the principal fur-seal herds, agreed to pay to Great Britain and Japan 15 per cent each of the product of their land sealing operations. This treaty went into effect with the season of 1912, and as a result of its beneficent action it is estimated that 15,000 breeding female fur seals reached the rookeries of the Pribilof Islands and brought forth their young in security, which would, under the operation of pelagic sealing, have failed to reach the islands or would have been killed on later feeding excursions. This fact in itself demonstrates the cause of the herd's decline and its capacity to restore itself if protected from further loss (p. 4).

This is the Hay-Elliott treaty of mutual concession and joint control with Great Britain, which Henry W. Elliott drew up in 1904-1905, and which John Hay approved in March, 1905, and which his sickness and death in July following prevented the ratification of in June, 1905, at Ottawa; the lessees then came into power at the State Department after Hay's death; and, with the help of Dr. Jordan and his "scientists," prevented any action on it, until it was forced out of the State Department by the Senate Committee on Conservation of National Resources, February 4, 1911, and into the Senate, February 8, 1911, and then ratified there, February 15, 1911; its terms being kept secret until Japan and Russia united in them, July 7, 1911.

The essential consideration in the treaty is that the United States shall turn over 15 per cent of its land catch to Great Britain and a like percentage to Japan. The original attempt to fix the period of suspension at the full life of the treaty was in effect a repudiation of the treaty, and if carried through would undoubtedly have led to its abrogation. With the treaty out of the way, pelagic sealing would naturally be resumed. The Senate compromise at 10 years was little better. The final period still violates the spirit of the treaty, because the United States can not justify the suspension, even for this period, as necessary to any interest of the herd (p. 5).

Th's idea of "a repudiation of the treaty" when that "close time" of 10 years was adopted by the Senate, is simply an unfounded and fairly stupid one, when it is known that this treaty when first ratified between Great Britain and the United States, carried a memorandum attached to it, which ordered a "close time" of 10 to 12 years from date of its ratification. Great Britain in 1905, and again in 1908, and again in 1911, was willing to have a close time for 10 years. Why? Because it was a wise and, self-evidently, a good measure to adopt.

In addition to the contingent danger arising from possible dissatisfaction and abrogation of the treaty, the suspension has a direct and vital relation to the herd. The removal of the surplus males of a herd of polygamous animals is not merely possible, but in the case of the fur seals it contributes to their well-being. The fur seal is intensely gregarious. The females are crowded together at the critical period of the birth of the pups in groups, or harems, each in charge of a pugnacious and dominating male. This male is an animal of 500 pounds weight, while the female is an animal of 80 pounds, and the young at birth a weak thing of 12 pounds. The bull, in the ordinary round of harem discipline, is constantly rushing about and among his cows, while in warding off the attacks of the surrounding idle bulls he is rough and reckless in the extreme. The rookeries were in the season of 1912 at a minimum condition as to crowding and fighting, and yet they suffered a considerable loss of pups suffocated at the moment of birth through the overlying of the mother, some neighbor cow, or the trampling of the bull. This cause of loss was in 1912 about 2 per cent of all born. It is beyond the power of man to eliminate this cause of loss. He can minimize it by keeping down the stock of fighting bulls. To cause an increase of fighting or other source of disturbance upon the rookeries will make this loss mount up in geometric ratio (p. 5).

This absurd, untruthful, and utterly unfounded description of loss and injury to the herd by fighting bulls is fully laid bare and exposed as such in Exhibits A, antea, and G, postea. It has been the faked story which Dr. Jordan first attempted to use during 1910 (in conjunction with this man Clark) as a shield for the injurious and illegal close killing of all the young males by the lessees since 1896. "They ought to be killed, all they could find," because "they would only grow up and fight," "tear the cows to pieces," and "trample their helpless young to death." Here is his faked story:

Dr. EVERMANN (reading):

"Dr. David Starr Jordan, president of Stanford University, chairman of the fur-seal commissions of 1896 and 1897, and who, in company with his associates, spent the seasons of those two years on our seal islands and on the Russian islands, visiting every rookery and every hauling ground and studying the fur seal from every important point of view. Besides spending several months actually on the islands, he spent many more months in collating and studying the data resulting from his own observations and those of his associates and in a study of the literature of the subject."

6. If the surplus males are not killed, they not only become valueless for their skins, but they grow up into bulls not needed for breeding purposes, but which nevertheless pass on to the rookeries, where they do great damage to the breeding herd by fighting among themselves for possession of the cows, often tearing the cows to pieces, so injuring them that many of their pups are stillborn, trampling the helpless pups to death, exhausting their own vitality and virility, and rendering themselves less potent than they would be without such useless struggle—in short, causing infinite trouble and injury to the rookeries without a single compensating advantage.

Mr. McGUIRE. Does that involve the conclusion of anyone else? Are those conclusions of your own based—

Dr. EVERMANN (interposing). No; those are the conclusions of these twenty-odd people, whose names I have read. Now, on the other side, against those 22, we will place Mr. Elliott and Mr. Elliott alone.

[Hearing No. 10, pp. 519, 521, Apr. 20, 1913, House Committee on Expenditures in the Department of Commerce and Labor.]

In 1913, therefore, at least 6,000 superfluous males must be left to grow up as bulls. This must go on for five years, and in the end there will be in the years immediately following 1917 a total of 30,000 adult bulls. In 1912 no more than 1,500 bulls were needed by the herd. It can by no possibility use more than 3,000 bulls in 1917 and not over 4,000 in 1920. In the period following 1917 there will be 9 idle bulls for 1 in service. The inevitable damage to the rookeries which this condition of fighting will entail can be but faintly realized even by those who in 1896-97 witnessed a somewhat similar state of the rookeries due to a shorter period of suspension, 1891-1893. In 1896-97 there were an adult idle bull and two young bulls for each active bull. The conditions which we are to face in 1917 and thereafter is a condition where the ratio will be 9 to 1 instead of 3 to 1. These idle bulls once saved must live out their natural life (p. 6).

The nonsense and untruth of the above, the positive untruth and abject nonsense of it, can be fully appreciated by reading the facts set forth in Exhibit A antea; concluding pages.

Each one of the 30,000 useless bulls will have carried, as a 3-year-old, a skin worth \$40 to the Government. These skins will be lost—a sheer waste of \$1,200,000. And this is a minimum figure, as the product of the hauling grounds will increase steadily. Furthermore, the cutting off of the regular supply of sealskins for five years will affect the market. Sealskins will be superseded by other furs, and when the Government is ready to seek an outlet for its increased quotas of 1918 and 1919, the market will be found sluggish and the prices low (p. 6).

This is the argument of Simple Simon, who killed the goose which laid the golden egg. See Exhibit A, antea, for illustration of it fully, in concluding pages.

This remarkable circular of untruth fitly ends with the following "foxy" statement:

The amendment suspending land killing has provided for the human residents of the Pribilof Islands, by allowing a limited amount of killing for fresh meat for natives' food. There is, however, other animal life on the islands which, through a century of habit, has come to depend upon the products of the killing field for an important part of its sustenance. Most important among these animals is the Arctic blue fox. The fox herd is small, but is, animal to animal, as valuable as is the fur seal. In the 40 years of our control 40,000 pelts of blue foxes have been taken. The herd is capable of indefinite expansion through increase of food supply. In summer, when the birds are present, the foxes are fairly well provided for, but in winter their chief dependence is in the carcasses of the seals left on the killing fields. They were beginning to starve and eat one another on the Pribilof Islands at the time the junior author left there this fall. The killing fields were absolutely bare. It is certain that the blue-fox herd will be decimated before spring, and if the suspension of land killing is continued for the full five years, unless artificial feeding is substituted—a thing difficult of accomplishment—the blue-fox herd will be wiped out or at least reduced to a point so low that its restoration will be a matter of years.

The birds, of which there are thousands upon thousands on the islands, are not economically useful to man, but it may be added that they, too, are affected by this unnecessary, harmful, and wasteful suspension of land killing (pp. 6, 7).

The best answers which we can make to this idle and fairly puerile demand for seal slaughter that the fox herd is dependent on seal killing for its existence is the following official entry made by Ezra W. Clark, United States special agent, who has been busy on St. George Island for nearly 10 years, studying the fox question in that time from every angle.

Maj. E. W. Clark makes this official entry in the St. Paul log or journal after long experience with the foxes of St. George:

TUESDAY, *December 17, 1901.*

The season of trapping was a little under two weeks, taking off Sundays and the holiday. All the men came into the village for one or two days during the trapping. The fox herd on this island seems to have increased slightly rather than diminished during the last two or three years. I learn that the seal meat saved and put out last year as food for the foxes was scarcely tasted by them. Evidently they did not suffer for the want of food. Year before last I understand that no seal meat was offered them, but the last year and this year there was trapping, and this year the animals seemed a trifle more abundant than last. I am by no means satisfied that an artificial supply of food is necessary on this island for the maintenance of the herd, or even for its increase (p. 160).

With the sending out of this improper circular, as above described, the old influences got busy and actually persuaded President Taft to send a message on January 8, 1913, to Congress (S. Doc. No. 997, 62d Cong., 3d sess.) in which he urged Congress to repeal the close-time law of August 24, 1912, and does so on this improper and untruthful statement of Dr. Jordan in the premises.

No attention was paid to the request of Mr. Taft, and he was very promptly informed by leading Senators that they would not change the law.

This did not prevent that discredited scientist from making another visit to the Senators and Members by sending them the following letter (with an inclosure of a reprint of his "economic circular" above cited, in the Nation), to wit:

OFFICE OF THE PRESIDENT,  
LELAND STANFORD JUNIOR UNIVERSITY,  
*Stanford University, Cal., March 31, 1913.*

On January 25 the writers called to your attention the need of repeal in the matter of certain fur-seal legislation of August 24, 1912. The Sixty-second Congress, in its third session, took no steps in the matter. On the other hand, it cut from the sundry civil bill the appropriation for the maintenance of the force of Government agents on the fur-seal islands, reducing this force to a single caretaker on each island. The bill failed because of the veto of the President and must come up again in the special session. As the act suspending land sealing was a blow aimed directly at the integrity of the treaty of July 7, 1911, suspending pelagic sealing, so the recent act is a blow aimed at the defense of the herd on its breeding grounds, inviting the raiding of the islands. We have put the bearing of both these measures clearly in a letter that is being mailed to each Member of the Sixty-third Congress. A copy of this letter is inclosed. Will you not take up this matter anew and urge upon Congressmen, perhaps the President himself, the need of rational action in the interests of the fur seals?

DAVID STARR JORDAN.  
GEORGE ARCHIBALD CLARK.

Soon after this letter was generally received (Apr. 10, 1913) the Secretary of Commerce put a quietus on the subject by directing the Bureau of Fisheries to dismiss the ideas advanced by Dr. Jordan and carry out the law to the letter.

## PART 2.

[The census of the Alaskan seal herd on the Pribilof Islands as taken July 10-20, 1913, by United States Special Agents Henry W. Elliott and A. F. Gallagher, under authority and by instruction of the House Committee on Expenditures in the Department of Commerce.]

## CENSUS OF KETAVIE AND LUKANNON ROOKERIES.

Field notes to accompany chart and survey of condition of Ketavie and Lukannon rookeries, St. Paul Island, Pribilof group, Friday, July 11, 1913, by Henry W. Elliott and A. F. Gallagher, special agents of the House Committee on Expenditures in the Department of Commerce.]

(The condition of this rookery when comparison is made with that of 1890 is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as H. Doc. No. 175, 54th Cong., 1st sess., pp. 31, 32, 33.)

We have taken up this morning, the survey of the Ketavie rookery, beginning at station C of the 1890 survey.

We find at station C and station B a complete elimination of every seal reported thereon in 1890. The rookery ground then occupied in 1890 as well as that of 1874 is now all overgrown with thick sod, flowers, mosses, grasses, and lichens, which cover all the rocks—a complete elimination of all of that 1890 fur seal life within limits of stations A and B. Then, from stations B to C2 southeast, reaching to the extreme point, we find nothing but one solitary 6-year-old bull and a single cow, in a rocky pocket of the surf wash, together with one cow swimming in the water nearby.

As we proceed to station D of the survey of 1890 we find that the entire sum of seal life in existence between is confined to a series of pocket harems along the rookery margin just above the surf wash. These harems aggregate 8 bulls and about 325 cows.

At the extreme foot of station D, looking out to sea, on a surf-washed shelf, we see the first "pod" of holluschickie on this rookery—some 50 or 60 small male and yearling seals all told.

From station D to station E, or the southern foot of the amphitheater of 1890, the seal life has been quite eliminated, and is confined to a series of pocket harems, consisting of 20 bulls and about 700 cows.<sup>1</sup>

We now take up the amphitheater at the base of Lukannon Hill. That small yet beautiful and impressive concentrated view of animal life, which in 1874 invariably caused the most casual observer to exclaim, "What a sight!" is totally deserted, with the exception of three harems, with about 65 cows at the foot and right north of station E; a thick growth of grass and flowers is now on the ground where nothing but seals once laid, and reaching right to the water's edge.

On the extreme northern surf-washed point of this amphitheater, or station F of the 1890 survey, we observe a pod of about 50 holluschickie, being the second batch which we have seen this morning. From this point to station G of the 1890 survey, embracing the entire sweep of the Lukannon rookery, we find the life of 1890 con-

<sup>1</sup> Touching this relation of the cows to the bulls in 1890, here, as contrasted with 1874, the following is pertinent (p. 37, H. Doc. No. 175, 54th Cong., 1st sess.), to wit: "On Lukannon this last summer, while there were two-fifths as many cows as in 1872, yet the bulls did not average more than one-fifteenth of the number they showed in 1872. On Keetand it was no better; if anything a shade worse, no young bulls anywhere offering service or attempting to land. This undue proportion of the sexes, and the general apathy of the breeding bulls, is characteristic of all these rookeries to-day. \* \* \* In 1872-1874 it was just the opposite."



fined to a series of bunched harems, immediately under Lukannon Hill, which, by a careful estimate, shows from 35 to 40 bulls and some 2,200 to 2,500 females. We notice an entire absence of the "polsecatchie," and we see but three or four 6-year-old bulls on the outskirts, and none in the water. The sweep from the foot of Luckannon Hill to the westward, upon which the great bulk of this rookery existed in 1874, and again in 1890, is completely deserted, not a single harem being in existence there at the present time. The entire field of 1874, under our feet here on the slopes of Lukannon Hill, which was polished bare of every vestige of vegetation, and the rocks also, of all lichens, is now carpeted with a thick sod between the rocks, and the yellow, brown, and gray rock lichens that have grown since; also the lines of 1890 are nearly as well covered with this vegetation, and unite in giving eloquent proof of a complete elimination of the seal life thereon.<sup>1</sup>

We have looked into every harem to-day on these two rookeries; we have not observed any evidence of fighting between the bulls, even where they are close and within reaching distance of each other; nor has there been any attempt of the outside bulls to enter the harems and engage in combat, although a few bulls—bulls without cows—are lying close on the outskirts of the harems. The same understanding exists to-day between these breeding bulls as it did in 1874, to wit, that having fought for their stations and having occupied them between the 4th of May and the middle of June, by common consent and universal agreement they stay right there, undisturbed by one another thereafter during the breeding season. The proof of it is under our eyes at every harem that we have inspected and its neighbor.

This remarkably striking elimination of that life of 1890, to say nothing of the astounding shrinkage from 1874, is one of the most impressive sad exhibitions that the investigator finds on these islands. The mighty roar and the rumble on these rookeries of that early time are now succeeded by a low and indistinct murmur and intermittent gurgling, guttural growls.

During this survey, looking down into those harems in the pockets of Ketavie, in the amphitheater, and under the brow of Lukanin Hill, where these notes are now being made, we have been unable to see the slightest evidence of a dead or a trampled pup or of a cow or cows torn or killed. These harems being directly under our eyes, we have a clear view of the pups, looking up and along the sweep occupied by them. Many pups are newly born, evidently only a few hours or minutes, as the placentas or afterbirths lay bloody and fresh

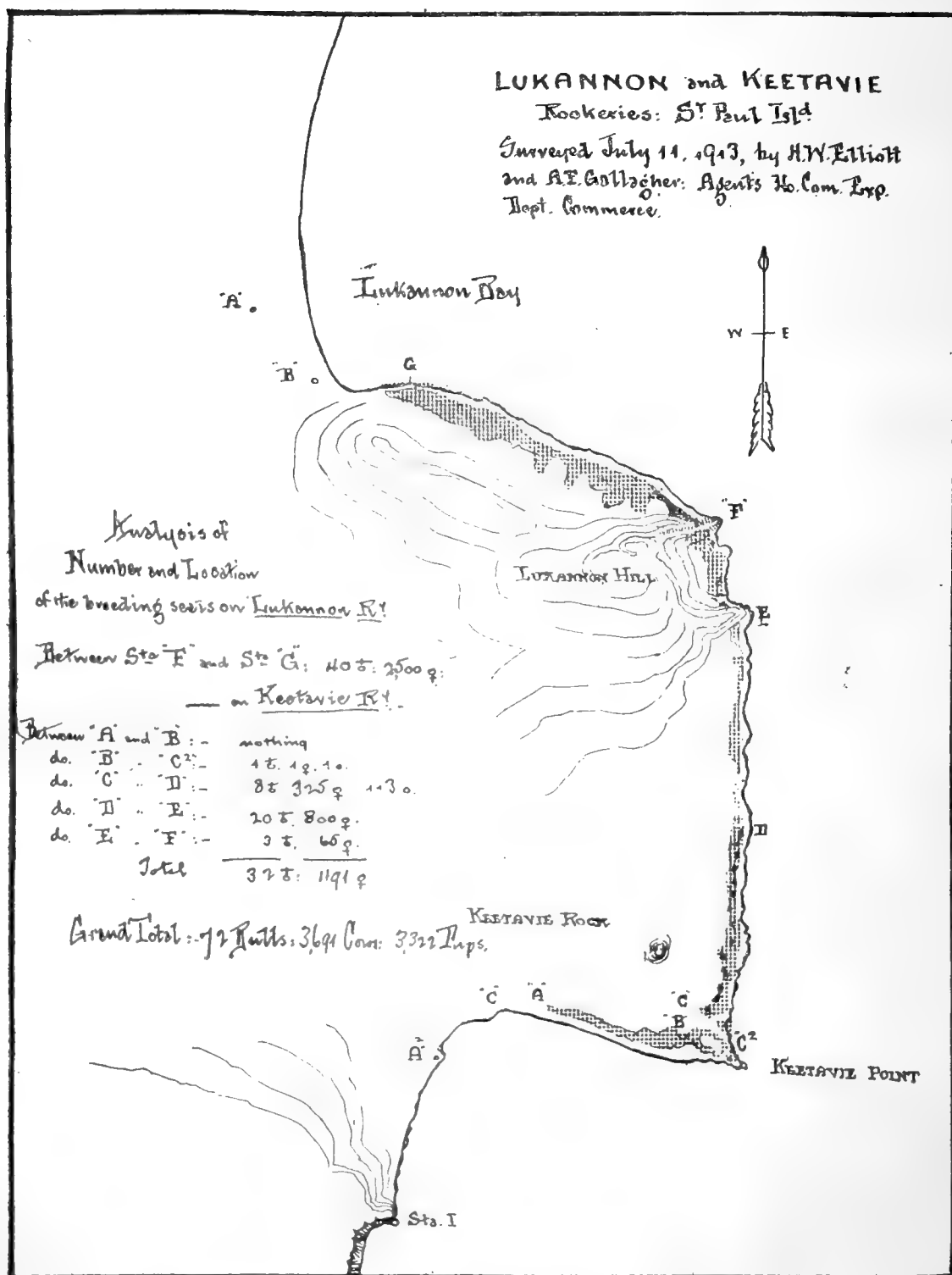
<sup>1</sup> The following official record was made of this seal life on Lukanin and Ketavie in July, 1874 (see *Monograph Seal Islands: Elliott*):

"The next rookeries in order can be found at Lukanin and Ketavie. Here is a joint blending of two large breeding grounds, their continuity broken by a short reach of sea wall right under and at the eastern foot of Lukanin Hill. The appearance of these rookeries is like all the rest of them, peculiar to themselves. There is a rounded swelling hill at the foot of Lukanin Bay, which rises perhaps 160 or 170 feet from the sea, abruptly at the point, but swelling up gently from the sand dunes in Lukanin Bay to its summit at the east and south. The great rookery rests upon its northern slope. Here is a beautiful adaptation of the finest drainage, with a profusion of those rocky nodules scattered everywhere over it, upon which the female seals so delight in resting.

"As we stand on the bald summit of Lukanin Hill we can turn to the south and look over to Ketavie Point, where another large aggregate of breeding seals comes under our eyes. The hill falls away into a series of faintly terraced tables, which drop down to a flat. That again abruptly descends to the sea at Ketavie Point.

"Between us and the Ketavie rookery is the parade ground of Lukanin, a sight almost as grand as is that on the reef, which we have feebly attempted to portray. The sand dunes to the north and west are covered with the most luxurious grass, abruptly emarginated by the sharp abrasion of the hauling seals."

before our eyes; but if a pup has perished from trampling, or if a cow has been killed by the fighting of bulls, we are unable to see it. It certainly is not in evidence to-day, and it never was in evidence in 1874 or 1890. The habits of these animals certainly have not been changed.



*Review from the summit of Keetavie rock.*—The entire field occupied by breeding seals on this rookery in 1874, and with the exception of a small fringe of pocket harems which we have noted on the surf margin of the rookery—this entire field of 1890 is abandoned by seals.

The ground of 1874 is now fairly covered with a coarse, thick sod, and that of 1890 with a finer grass, rapidly passing into the sod afore-said, while the once seal-polished rocks are now yellow and brown with lichens. This picturesque and fine breeding ground is practically desolated. There are no holluschickie in sight, either hauled out for shelter in the pockets of these harems or anywhere visible on the rookery margin. There are no polsecatchie in the water and no idle bulls in the rear of these harems.<sup>1</sup> The seals that are existing look well. The bulls all appear to range between 7 and 8 years to 15 years. There is no very old or superannuated bull thus far observed.

To recapitulate: For Lukannon and Ketavie rookeries, July 11, 1913, we find on Lukannon 40 bulls, 2,500 cows, 2,300 pups; Ketavie, 32 bulls, 1,191 cows, 1,000 pups; season of 1890, on Lukannon, 900 bulls, 36,000 cows, 33,250 pups; season of 1874, on Lukannon, 4,880 bulls, 85,000 cows, 78,000 pups; season of 1890, on Ketavie, 340 bulls, 13,500 cows, 12,500 pups; season of 1874, on Ketavie, 4,730 bulls, 80,000 cows, 72,500 pups.

#### CENSUS OF LOWER AND UPPER ZAPADNIE ROOKERIES.

[Field notes to accompany the chart and survey of condition of lower Zapadni rookery, St. Paul Island, Pribilof group, Saturday, July 12, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee on Expenditures of the Department of Commerce.]

(The condition of the rookery when comparison is made with that of 1890 is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as H. Doc. No. 175, 54th Cong., 1st sess., p. 31, 32, 33.)

We begin this morning at station C of the 1890 survey, and from there, as we go to station O, no sign of seal life is apparent. From station O, as we proceed down, every vestige of the herd has disappeared from this ground to the bight and clear back to station A of the 1890 survey. Jag A has completely disappeared; not even a fringe or suggestion of it at the sea margin in the bight. The grass and flowers actually cover every foot of this area of the 1874 and 1890 surveys right down to the surf-beaten margins of the bight. Under foot here is the heaviest sod that we have thus far trodden upon in this whole area of abandoned seal territory on the island rookeries, showing that the entire disappearance of the herd from this ground must have taken place at least 10 years ago, save solitary or scattered seals which might have been in existence then.

We now pass over to jag B of the 1890 survey, and we find about 12 bulls and 125 cows, with no idle bulls around and no "polsecatchie" in sight. This area of 1890 is completely desolated, save that thin fringe of cows and bulls on the surf margin.

<sup>1</sup> The loss of life here in 1890, as contrasted with its form in 1874, is described officially as follows (p. 36, H. Doc. 175, 54th Cong., 1st sess.) to wit:

"The unusually heavy loss sustained by Ketavie rookery and the other absence of the holluschickie, or killable young male seals, where they trooped in platoons of tens of thousands in 1872-1874 upon the Lukannon parade ground made the view from Lukannon Hill an exceedingly sad one at any time last summer. Grass is now growing thickly down to the very water's edge over the parade grounds here of 1872-1874, and creeping into the rookery grounds also. This grass, which grows up over the abandoned seal parade, is quite different in fiber and color from that which has never been disturbed or destroyed by the hauling seals. It is quickly noted and marked as "seal grass," since it grows closer and thicker and softer than all surrounding grasses. There is no contradiction possible of its silent though eloquent testimony of the hour—of that absence of those swarming herds which so impressed me in 1872-1874 as they restlessly swept hither and thither over these grassy grounds and deserted fields of 1890.\*

\* *Glyceria angustata*.—It is conspicuous as a band of yellow emarginating that green ground of the indigenous growth of grasses and flora where the seals have never been for a long, long time.

Passing from jag B, we now proceed southward to jag C of the 1890 survey. We find here that the seal life has entirely disappeared, save at the foot of jag C, where we observe carefully about 1,500 cows and count 50 bulls. In between jag B and jag C of the 1890 survey we find some 1,500 holluschickie, chiefly yearlings, with 2-year-olds and a few 3-year-olds.

We now proceed from this location across to jag D of the 1890 survey. Here we find the entire breeding area of 1890 is completely abandoned, and, as we go to jag E, that area also is abandoned, save a fringe of 7 or 8 ragged harems, with 15 or 20 bulls and about 300 cows.

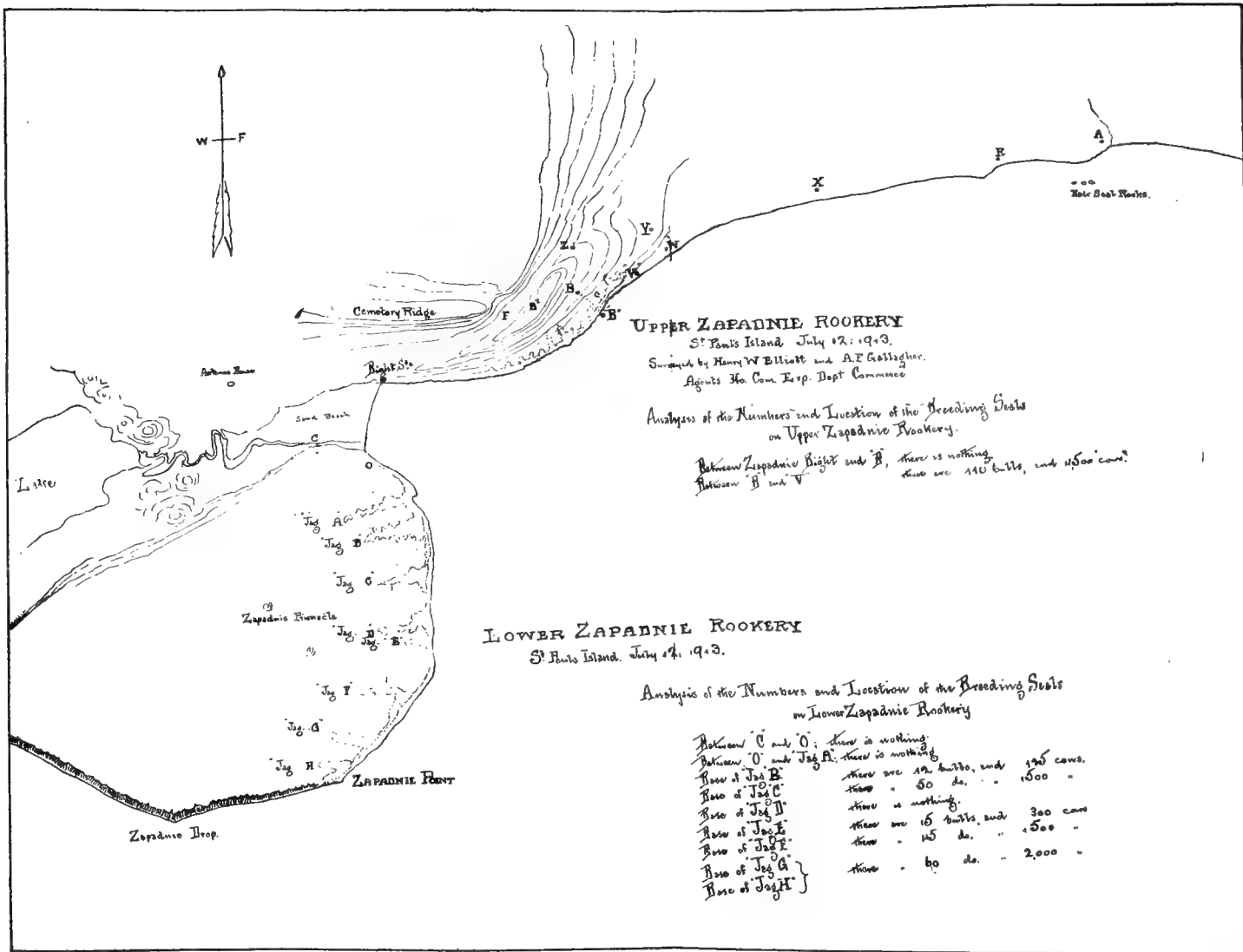
From thence we proceed around to jag F, and at the foot of that seal-breeding record of 1890 is a massing of some 1,250 to 1,500 cows and about 45 or 50 bulls. Between these breeding seals of E and F were hauled out about 1,200 or 1,400 holluschickie. This entire area between F and E, which was occupied in 1890 by breeding seals, has been completely abandoned by them, with the exceptions above noted. Grass, flowers, and lichens cover all this ground and the rocks right down to the water's edge.

From jag F we now proceed to jag G and jag H, at Zapadni Point, and we find that the life of 1890 has faded out to about 2,000 cows and about 60 bulls, all being right at the surf margin, as usual; and running out to the point and under the drop we find seven or eight ragged harems, or in all it makes an aggregate grouping of about 2,000 cows and 60 bulls, which we consider a very liberal estimate of this life that survives between jag G and the Point. A single polse-catch, the first seen to-day in the rear, was noticed by us. Three or four 6-year-old bulls constitute the entire surplus bull life at this point of the finish of our survey of Lower Zapadni.

*Recapitulation.*—As we finish this survey of the breeding life on Zapadni in contrast with its condition of 1890, and before we close these notes, with the chart of 1874 under our eyes, we are impressed with the fact that the herd of 1874, in its dwindling to its condition of 1890, was decimated fully two-thirds; but the decrease since 1890 to the present hour shows a loss of nearly nine-tenths of the figures of 1890. Great as that loss was in 1890, from the figures of 1874, it is impossible not to be impressed with the still greater decline up to date.

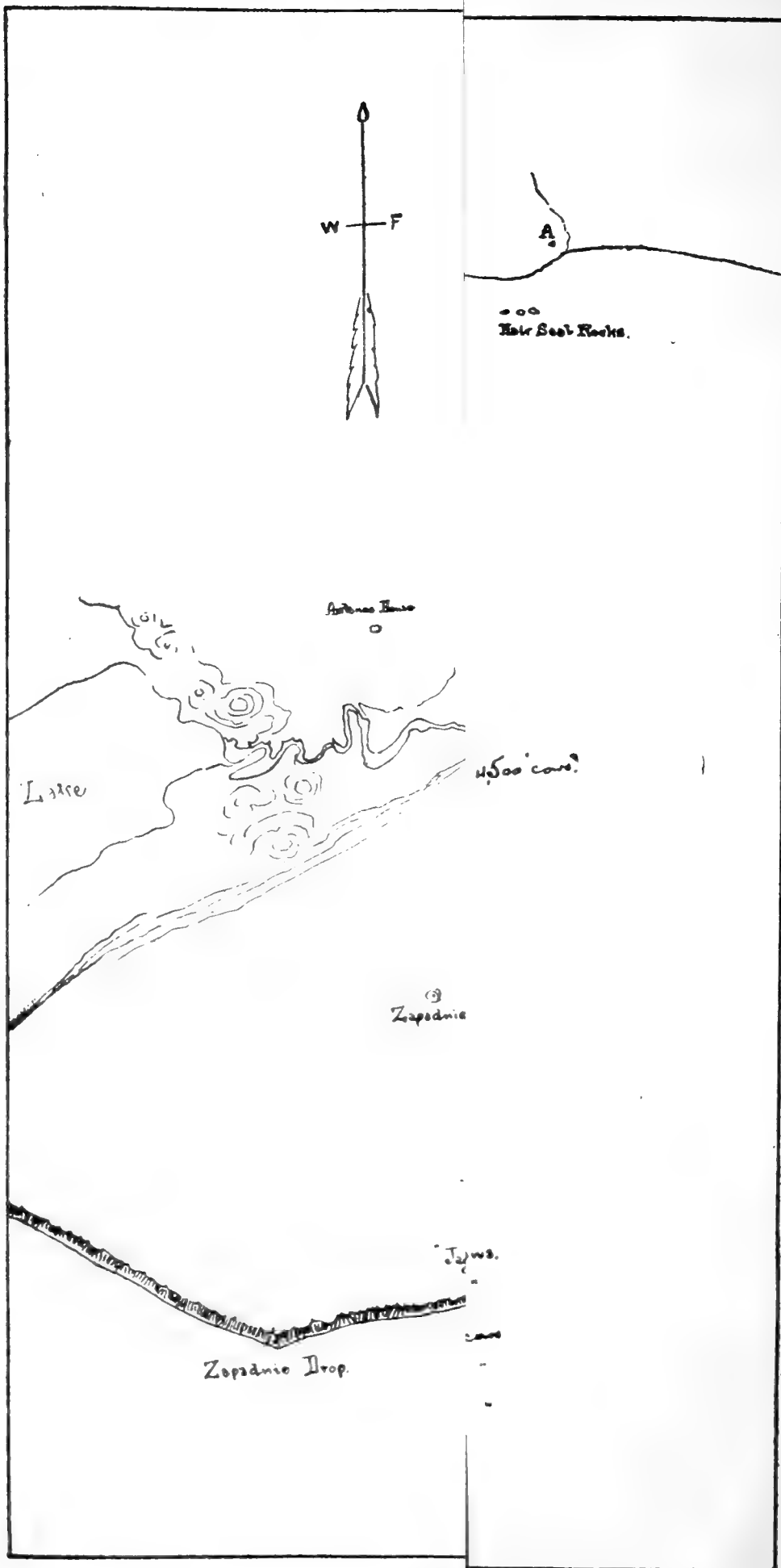
During this survey, and indeed, for that matter, since we began this work, we have taken notice of the Coast and Geodetic Survey's series of painted rocks as they stand here to-day, which those engineers marked and numbered in 1897 to declare the outer limits of that hauling of breeding seals during that season; we have noted that they closely follow the lines of Elliott's 1890 survey. These white-numbered records made of seal hauling on the rocks in 1897 show that even then the high-water points touched by the seals in 1890 were not much receded from. It would seem from the record of this Coast Survey's making that the diminution since 1897 was far more marked than that which took place between 1890 and 1874; it is unnecessary to say that the immense shrinkage from 1890 to date is emphatically and indisputably confirmed by this painted-rock record of the Coast and Geodetic Survey. The hauling grounds of Zapadni where the holluschickie swarmed in 1874 on this magnificent plateau were not,











of course, entirely abandoned in 1890, but the small hauling of nonbreeding seals in 1890 has dwindled away this year to even a fainter record of less than 2,500 holluschickie assembled, and that, too, after being undisturbed since the beginning of the season (being the first time not driven in the last 33 years), for we are creditably informed that no driving and no visit to this rookery has been made this year by the natives or agents in charge prior to our survey to-day.

*Upper Zapadni.*—We now take up the lines of Upper Zapadni.

Beginning with the initial point of the survey of 1890, at the intersection of the sands of Zapadni beach, we find the whole of that breeding life eliminated between this station up to the foot of station B. Then we find a series of continuous ragged harems at the surf margin ending at station V, which gives us a total of about 4,500 cows and about 110 bulls and about 40 vagrant and spent bulls, all hauled just north of station V, with a few holluschickie. In this entire circuit, as we traverse it foot by foot, we have seen no sign of the polsecatchie. We have seen three or four 6-year-old bulls only. This stretch from Zapadni Bight to station V is perhaps as vivid an illustration of complete extinction of the breeding lines of 1874 as can be found on the rookeries of the island. Indeed, it is a most melancholy exhibit as we pass over it to-day. We have seen no holluschickie, except four or five, with those old whipped or vagrant bulls, hauled out just beyond station V, as above noted.<sup>1</sup>

*To recapitulate.*—For Lower Zapadni rookery, July 12, 1913, we find 182 bulls, 5,425 cows, 4,850 pups; for Upper Zapadni rookery, July 12, 1913, we find 110 bulls, 4,500 cows, 4,100 pups.

On both Zapadnis season of 1890 there were 1,600 bulls, 60,000 cows, 54,000 pups; season of 1874 there were 12,514 bulls, 220,000 cows, 198,000 pups.

#### CENSUS OF TOLSTOI ROOKERY.

[Field notes to accompany the chart and survey of condition of Tolstoi rookery, St. Paul's Island, Pribilof group, begun Saturday, July 12, 1913, 2 p'clock p. m., by Henry W. Elliott and A. F. Gallagher, special agents House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document 175, Fifty-fourth Congress, first session, pages 31, 32, 33.)

From station A to station E, of the 1890 survey, all seal life has been completely eliminated. At the base of station E is a small

<sup>1</sup> The contrast of that fine condition of Zapadni in 1872-1874 with what it was found to be in during 1890 is made as follows (H. Doc. No. 175, 54th Cong., 1st sess., p. 40), to wit:

"It is impossible to convey that full sense of utter desolation which the vacant seal area of 1872 on this fine rookery aroused in my mind last July (1890) while then making my survey of it. Grass and flowers springing up over those broad areas of the once occupied hauling grounds here, where in 1872-1874 thousands upon thousands of young male seals hauled out and over throughout the entire season, and were undisturbed by any man, not even visited then by anyone, except myself. No one then ever thought of such a thing as coming over from the village to make a killing at Zapadni, there being more seals than wanted close by at Tolstoi, Lukannon, and Zoltoi Sands. This not alone, but that splendid once clean-swept expanse of hauling grounds in English Bay between the Zapadnis and Tolstoi is all grass grown to-day (except over its areas of drifting sands) with mosses, lichens, and flowers interspersed. It is entirely barren of seals, save a lonely pod under Middle Hill.

"Lower Zapadni is certainly the roughest surfaced breeding ground peculiar to the seal islands, and it is a curious place on which to view the seals as they locate themselves, for as you walk along they suddenly appear and disappear as they haul and lay in those queer little valleys and canyons here which have been formed by lava bubbles of the geological time of the elevation of St. Paul Island from the sea. But to-day so scant is the massing of the breeding seals here that that unbroken mighty uproar which boomed out from them in 1872 is wholly absent. It is positively quiet, save the subdued sheep-like calling of the females and the lamb-like answer of their offspring."

batch or mass of harems which will total about 1,500 cows and about 40 bulls; and, lying on the hill slope this side of them, there are about 800 to 900 holluschickie, all down in, under, and lying on the old breeding ground of 1874, which is totally abandoned.<sup>1</sup>

We now proceed from station E to stations F and G. No polse-catchie and no idle bulls on this ground are seen. Right at the base of jags F and G of the 1890 survey is an aggregate of seven harems with not to exceed 200 females. There are about 20 vagrant bulls bunched in with the holluschickie that we have just enumerated.

At the foot of station B, and over to station C of the 1890 survey, we find a series of harems right at the surf margin which will carry about 3,500 cows and about 60 bulls. That completes the sum total, area, and location of the hill-side rookery life of to-day as compared with the survey of 1890. Here we have seen a pod of 25 or 30 vagrant bulls closely lying in with the holluschickie which we have mentioned, the largest group of such spent male life that we have seen thus far. There are no polse-catchie in the rear and no idle 6-year-old bulls. There is no evidence of fighting, and the sandy area immediately under station B, and reaching to station B, carries no sign of a dead pup, or sand worm mortality, although these seals are resting on that sand just as they did in Dr. Jordan's time; and the stones which were placed there later by Mr. Judge are now wholly surrounded where not hidden by the sand which he thought he had covered by planting those rocks. From station C of the 1890 survey is the same belt margin to-day under the Tolstoi Bluffs that was existent there in 1890. It has a fringe of harems irregularly sprawled just above the surf wash and carries, it is safe to say, at least 3,500 to 4,000 cows and about 50 bulls, with no idle bulls of any description in sight or any polse-catchie—not one.

*To recapitulate.*—For Tolstoi rookery, July 12, 1913, we find 157 bulls, 8,750 cows, 7,850 pups. Season of 1890, there were 850 bulls, 31,200 cows, 28,000 pups; season of 1874, there were 6,450 bulls, 115,000 cows, 105,000 pups.

The particular manner and method followed by Elliott in getting these figures of seal population for those large rookeries of 1872–1874, and relatively large in 1890, when contrasted with their form in 1913, is fully set forth by the details given in House Document No. 175, Fifty-fourth Congress, first session, pages 29–57 inclusive. The following illustration of his survey of Tolstoi in 1872, and again

<sup>1</sup> The Tolstoi hill slope of 1872 is described, in 1874, by Elliott (pp. 53–54, Monograph Seal Islands) as follows: "Directly to the west from Ukannon, up along and around the head of the lagoon is the seal path road over which the natives drive the holluschickie from Tolstoi. We follow this and take up our position on any one of the several lofty grass-grown sand dunes, close to and overlooking another rookery of great size. This is Tolstoi."

"We have here the greatest hill slope of breeding seals on either island, peculiarly massed on the abruptly sloping flanks of Tolstoi Ridge, as it falls to the sands of English Bay and ends suddenly in the precipitous termination of its own name, Tolstoi Point. Here the seals are in some places crowded up to the enormous depth of 500 measured feet from the sea margin of the rookery to its upper boundary and limitations; and, when viewed as I viewed it in July (1872), taking the lines and angles as shown on the accompanying sketch map, I considered it with the bluffs terminating it at the south, and its bold sweep which ends on the sands of English Bay, to be the most picturesque, though it is not the most impressive, rookery on the island—especially so, when that parade ground, lying just back and over the point, and upon its table rock surface is reached by the climbing seals as they haul up from the sea below."

"If the observer will glance at the map he will see that this parade ground in question lies directly over and about 150 feet above the breeding seals immediately under it. \* \* \*

"From Tolstoi at this point, sweeping around 3 miles to Zapa line, is the broad sand reach of English Bay, upon which and back over its gently rising flats are the great hauling grounds of the holluschickie, which I have indicated on the general map and to which I have made reference. \* \* \* Looking at the myriads of bachelor seals spread out in their restless hundreds and hundreds of thousands upon this ground, one feels the utter impotency of verbal description, and reluctantly shuts his note and sketch books to gaze upon it with renewed fascination and perfect helplessness."

in 1890 will suffice as to the details for all of the 17 breeding grounds on the Pribilof Islands, which were covered in the same manner, to wit, he says (Hearing No. 4, Committee on Expenditures in the Department of Commerce and Labor, July 11, 1911, pp. 186-187, 190-191, and 192):

But I had no idea as I began the work and completed it, insofar as the landed area went, of making a census of the seals upon the line of Capt. Bryant's speculation, because I early saw that there were so many variations in the sizes of the seals, the irregular massing and unmassing of the harems, that the plan of locating just so many adult seals to a given area was impracticable.

But as I hung over these rookeries day after day I became impressed with the fact that no matter whether the mother seals were present on the ground, or absent on their food excursions, their pups, or young ones, never left the immediate area of their birthplace on the rookery up to a time in the season not later than the 10th or 20th of each July; that if I counted them in a given area during that period I should then know just how many cows belonged to it, and only by taking the pups as my guide could I get at the real number of females; the males were steadfastly on the ground all the time, and then a general estimate for the number of virgin females could be made upon the ratio of this pup count, as it was a basis of the birth rate of the entire herd.

While this subject grew upon me, I called the attention of my associates on the island (St. Paul, 1872-73) to it. One of these gentlemen, Mr. William Kapus, was an unusually well-educated man (the company's general manager), and a man of affairs as well. He took deep interest in the solution of this seal-space problem as I presented it to him in the following form; also Dr. Kramer, the surgeon, another cultivated, scholarly man, aided me in the inquiry:

1. The seals haul out on these breeding grounds with great evenness of massing—never crowded unduly here, or scattered there—so evenly that if suddenly every mother were to appear at the height of the season there would be just room enough for all, without suffocating or inconveniencing their lives on the rocks.

2. That in estimating the number of seals in the breeding grounds we must make the number of pups present at the height of the season the unit of calculation, because their mothers are never all present at any one time, not half, and at many times not one-third of them are; that the height of the breeding season is between July 10 and 20 annually.

Upon these two fundamental propositions I stirred up a vigorous discussion and examination as to their truth or untruth among the white men then on the islands, or South Island especially, late in 1872, and until the close of the season of 1873 the settlement of this question was left open. Then each and every white man on the islands at that time (there were nine of them) subscribed heartily to the truth of these, my assumptions, as a true working hypothesis.

Just because I had traveled over these rookeries day in and day out, when seals were there and when absent, was why I recognized this law of distribution, and I will safely venture to say that I have taken two steps to Jordan's one in this work on the rookery grounds; with every fissure and embedded lava rock (these loose "boulders weighing tons" on Kitovi and only few such "boulders" on Gorbatch), I am familiar, and I found to my surprise, at first, that Kitovi was an ideal massing ground for the breeding seals, and Gorbach also; that these jagged rocks, nearly all deeply imbedded in the detritus of the cinder and lava slopes, actually carried more seals than if they were perfect plane surfaces. Wherever I found a miniature lava butte on these breeding grounds (they are all of volcanic superstructure) that the seals could not scale or otherwise occupy, the area of the same was deducted from the sum of square feet belonging to the ground, and I never made the "blunder of assuming the same distribution everywhere," by taking this precaution, and in the following way: First, I carefully located the herds as they lay on the several breeding grounds during the height of the season, i. e., between July 10 and 20, which I discovered to be the time in 1872; this location was rapidly and accurately made on a land chart of the rookery ground prepared early in the season and before the seals had hauled out. By having these charts all ready, with the stations from which my base lines and angles were taken, all plainly in my view when the seals hauled out, it was a simple thing to place the bearings of the massed herds on the chart; the reef and Gorbach grounds made a busy day's work, and no more for me, because thus prepared; the same of Zapadni. Tolstoi easily finished in half a day; same of Lukannon, same of Kitovi, Polavina a short day's work, while Novostoshals, or the large Northeast Point breeding ground, took the best part of two days. The St. George rookeries were handled in even shorter time by this method.

On page 38 of my 1890 report, which was in Jordan's hands when he first started for the seal islands, appears the following detailed explanation of each and every step taken by me in surveying each and every rookery as well as Tolstoi.

*Detailed analysis of the survey of Tolstoi rookery, July 10, 1890.*

[Sea margin beginning at A and ending at D.]

	Square feet
800 feet sea margin between A and B, with 80 feet average depth, massed..	64,000
400 feet sea margin between B and C, with 60 feet average depth, massed..	24,000
1,600 feet sea margin between C and D, with 10 feet average depth, massed..	16,000
Jag E has 300 feet of depth, with 40 feet average width, massed.....	12,000
Jag F has 100 feet of depth, with 40 feet average width, massed.....	4,000
Jag G has 120 feet of depth, with 40 feet of average width, massed.....	4,800

Total square feet..... 124,800

The annexed colored chart <sup>1</sup> that this legend illustrates carries all these stations and base line points in detail. Every topographical feature is faithfully indicated on it, and these specialized lines of average depth were drawn over these sections of the herd as it lay upon the ground on that day and date—the proper time of the season.

Now, in order that this detailed analysis of Tolstoi can be summed up in one compact sensible expression I take the entire length of its sea margin, 2,800 feet, and divide the entire sum of its square feet of massed area, 124,800 feet, by it; that enables me to say, "July 11, 1890, Tolstoi has 2,800 feet of sea margin with 44½ feet of average depth—124,800 square feet of superficial area, making ground for 62,400 breeding seals and young."

Here is the result in detail of my survey of Tolstoi in 1872, which was verified by myself and Capt. Washburn Maynard, U. S. N., in 1874:

*Detailed analysis of the survey of Tolstoi rookery, July 15, 1872.*

[Sea margin beginning at A and ending at D.]

	Square feet.
1,000 feet sea margin between A and B, with 350 feet average depth, massed..	350,000
400 feet sea margin between B and C, with 150 feet average depth, massed..	60,000
1,600 feet sea margin between C and D, with 30 feet average depth, massed..	48,000

Three thousand feet sea margin on Tolstoi breeding ground, and 458,000 square feet in it, making ground, in round numbers, for 225,000 seals.

It will be noted that in this Tolstoi summary for 1872 I ignore the real presence of 8,000 square feet, and deliberately reduce that estimate of seals from 229,500 to 225,000, because I never ran the risk in my work of 1872 and 1890 of being a foot or two ahead of the real average. I carried this cautious reservation all through my surveys of each and every rookery, and this is the reason why Capt. Maynard, my associate in the work of 1874, makes his estimate, based upon this survey, of the sum total of Pribilof seal life so much higher than mine. He declared that he was satisfied from close personal supervision of taking all our land angles in 1874 that I was safely inside of the real limit of supervision and that the figures of the survey were conservative and right. He was then, as he is now, a skilled mathematician and hydrographer, and he had the right to his opinion based upon the figures of that careful work. Yet Jordan has the sublime impertinence in 1908 to sneer at this unbiased, careful survey of 1872-1874, by saying "the 150 feet is a guess, and that only." (Page 80, note.)

I used these figures of 1890 in detail for Tolstoi because I do not give the detailed analysis or figures of 1872-1874 (only the summary) in my 1890 report of its sea margin and square feet, viz., "3,000 feet of sea margin, making ground for 225,000 breeding seals and their young," not deeming it necessary to produce so many detailed figures when my charts for both seasons were in full evidence in the published work of 1890.

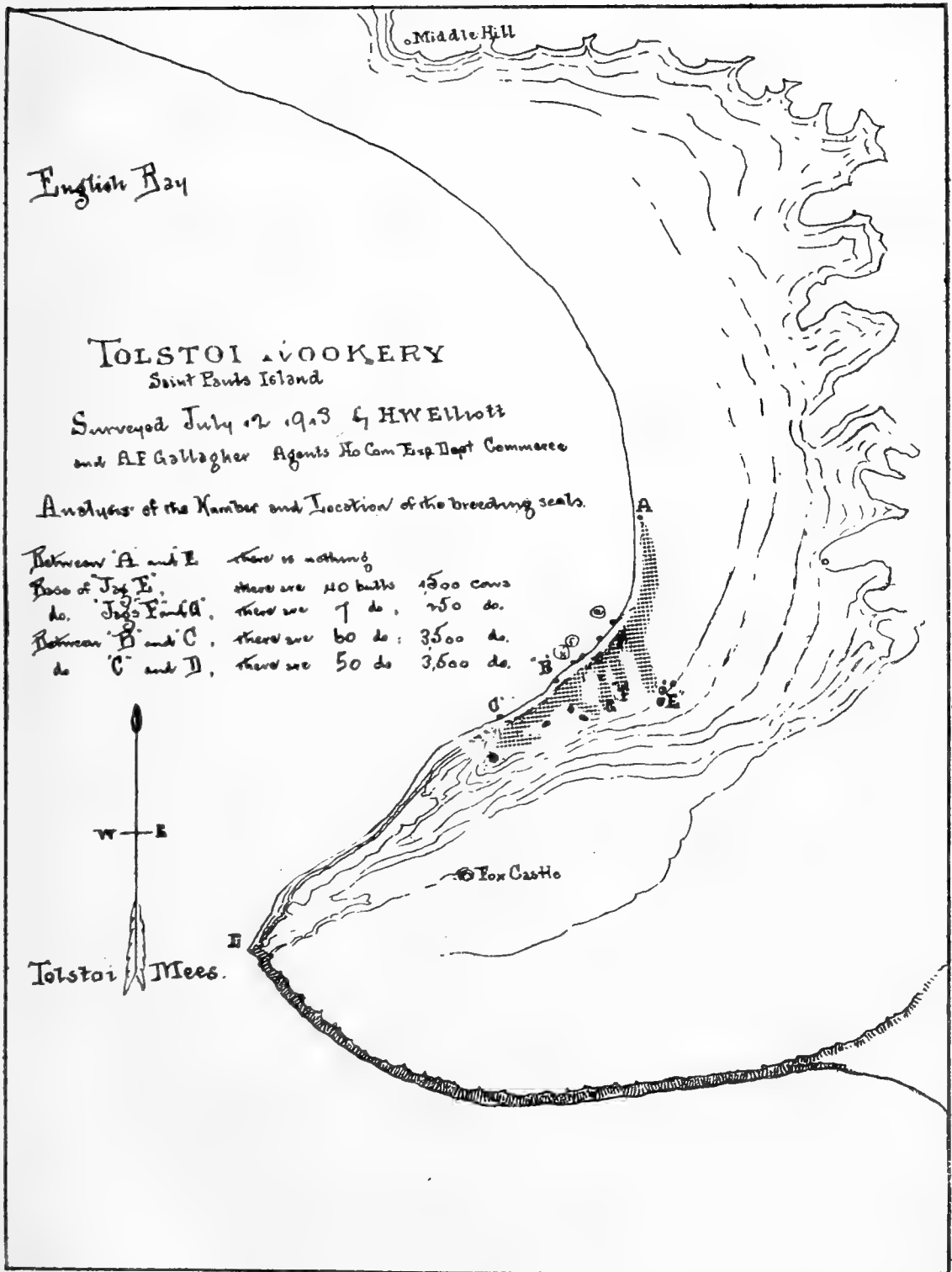
I never made the blunder of attempting to count all the bulls, all the cows, or all the pups on any rookery in 1872-1874. The utter stupidity of such a step never entered my head. It never did in 1890, even when the ragged remnant of the great life of 1872 was before me. It has only remained for Jordan and his job lot of assistants to race up and down these desolated breeding areas, in their idle attempts to do so, and the record of the self-contradiction of their own work bristles with the folly of it on a score of pages in his report.

<sup>1</sup> Not printed.



Here is what I published in 1872-1874 relative to the seal unit of space, and it is clear enough to men who have reasoned to the line with me on the ground itself; to men like Capt. Maynard, United States Navy, 1874, and William Kapus, general manager of the lessees in 1872-73, and all of their official associates who were with them at that time:

*Rookery space occupied by single seals.*—When the adult males and females, 15 or 20 of the latter to every one of the former, have arrived upon the rookery, I think



an area a little less than 2 feet square for each female may be considered as the superficial space required by each animal with regard to its size and in obedience to its habits; and this limit may safely be said to be over the mark. Now, every female or cow on this 2 feet square of space doubles herself by bringing forth her young, and in a few days or a week, perhaps, after its birth the cow takes to the water to

wash and feed and is not back on this allotted space one-half of the time again during the season. In this way is it not clear that the females almost double their number on the rookery grounds without causing the expansion of the same beyond the limits that would be actually required did they not bear any young at all? For every 100,000 breeding seals there will be found more than 85,000 females and less than 15,000 males; and in a few weeks after the landing of these females they will show for themselves—that is, for this 100,000—fully 180,000 males, females, and young, instead, on the same area of ground occupied previously to the birth of the pups.

“It must be borne in mind that perhaps 10 or 12 per cent of the entire number of females were yearlings last season and come up onto these breeding grounds as nubile for the first time during the season—as 2-year-old cows. They, of course, bear no young. The males, being treble and quadruple the physical bulk of the females, require about 4 feet square for their use of this same rookery ground, but as they are less than one-fifteenth the number of the females—much less, in fact—they therefore occupy only one-eighth of the space over the breeding ground, where we have located the supposed 100,000. This surplus area of the males is also more than balanced and equalized by the 15,000 or 20,000 2-year-old females which come onto this ground for the first time to meet the males. They come, rest a few days or a week, and retire, leaving no young to show their presence on the ground.

“The breeding bulls average 10 feet apart by 7 feet on the rookery ground; have each a space, therefore, of about 70 square feet for an average family of 15 cows, 15 pups, and 5 virgin females, or 35 animals for the 70 feet—2 square feet for each seal, big or little. The virgin females do not lay out long, and the cows come and go at intervals, never all being on this ground at one time, so the bull has plenty of room in his space of 70 square feet for himself and harem.

“Taking all these points into consideration, and they are features of fact, I quite safely calculate upon an average of 2 square feet to every animal, big or little, on the breeding grounds at the initial point upon which to base an intelligent computation of the entire number of seals before us. Without following this system of enumeration a person may look over these swarming myriads between Southwest Point and Novastoshnah, guessing vaguely and wildly at any figure from 1,000,000 up to 10,000,000 or 12,000,000, as has been done repeatedly. How few people know what a million really is! It is very easy to talk of a million, but it is a tedious task to count it off, and makes one's statements as to ‘millions’ decidedly more conservative after the labor has been accomplished.” (Transcript from the author's field notes of 1874. Nah Speelkie, St. Paul Island, July 12.)

I am satisfied to-day that the pups are the sure guide to the whole number of seals on the rookeries. The mother seals are constantly coming and going, while the pups never leave the spot upon which they are dropped more than a few feet in any direction until the rutting season ends; then they are allowed, with their mothers, by the old bulls to scatter over all the ground they want to. At this date the compact system of organization and massing on the breeding grounds is solidly maintained by the bulls; it is not relaxed in the least until on and after July 20.

#### CENSUS OF POLAVINA ROOKERY.

[Field notes to accompany the chart and survey of condition of Polavina (proper) rookery, St. Paul Island, Pribilof Group, July 15, 1913, by Henry W. Elliott and A. F. Gallagher, special agents, House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document 175, Fifty-fourth Congress, First Session, pages 31, 32, 33.)

Before we reach station F. of the 1890 survey, we find two harems located under the bluffs of the hauling grounds of 1890, on the grand parade. There are 14 cows and 2 bulls in these harems, being all the life there.

We proceed along from that station, toward jag 4, at the base of which we find one full harem—a bull with about 80 cows; 1 bull with 7 cows, and 1 bull with 1 cow, with no “polsecatchie,” and no idle bulls in sight.

Next, we come to jag 3, of the 1890 survey. We find within its borders 7 bulls with about 600 cows—not a young bull in sight and no polsecatchie. We also find 1 bull with 1 cow under jag 2.

Under jag 1 we find 5 bulls and about 175 cows.

Coming now to the "grotto," we find 1 bull and about 30 cows, there being 22 pups here.

At Polovina Point, and right on the summit of the point, we find 8 bulls and about 200 cows, with 3 young 6-year-old bulls in the water below and a small band of holluschickie, the number of which it is hard to estimate, as they play in the surf and over the rocks awash.

From Polovina Point we proceed westward and around to the finish of this rookery's sea margin at the intersection of the sand. Here we observe the greatest massing on this rookery, the number of which we estimate at about 50 bulls and about 7,000 cows. A mere handful of holluschickie are seen here, no young bulls, no polsecatchie, and only two or three 6-year old bulls in the water. These bulls are massed within an area of 500 feet from the point and lay up in the old half-moon form on the original rookery, where 240,000 cows and pups laid 40 years ago. From this small nucleus of 1913 it is very likely that the withered Polovina oak of 1874 will again grow.<sup>1</sup>

It is also interesting, as we close this survey of the St. Paul rookeries with this one of Polovina, to note the fact that as the rookery lay in 1874 as a half-moon on the side of a gently sloping hill up from the sea, so now it seems to start anew after one year's rest. The same order of growth seems instinctively to show itself here by the massing of these harems as described above.

It can not be overlooked as we write these notes, closing this hand-to-hand examination of every foot of these Pribilof rookery margins, that the young male life which was sought to be reestablished by the Hitchcock rules in 1904 is wholly missing. Only here and there and at rare intervals do we see a young 5 or 6 year old bull. Had those rules and regulations of 1904 been faithfully observed, there would have been thousands of them at the rookery margins at this hour and in their rear.

We also have to say, in connection with the work done this morning at Northeast Point, that that total absence of fighting bulls and tearing of cows to pieces and trampling of pups has been universal throughout the entire survey of all these Pribilof breeding seals from start to finish.

<sup>1</sup> With regard to the form of this seal life on Polovina in 1872-1874, as contrasted with the condition it is now in, the following official record is made of it (p. 42, H. Doc. No. 175, 54th Cong., 1st sess.). to wit:

"The ringing, iron-like basaltic foundations of the island are here (Polovina) setting up boldly from the sea to a height of 40 or 50 feet, black and purplish-red, polished like ebony by the friction of the surf, and worn by its agency into grotesque arches, tiny caverns, and deep fissures. Surmounting this lava bed is a cap of ferruginous cement and tufa from 3 to 10 feet thick, making a reddish floor, upon which the seals patter in their restless, never-ceasing evolutions, sleeping and waking, on the island. It is as great a single parade plateau of polished cement as is that of the reef.

"The rookery itself \* \* \* is placed at the southern termination and gentle sloping of the long reach of Polovina's bluff wall, which is the only cliff between Lukannon and Novestoshnah \* \* \*.

"It presents itself to the eye with great scenic effect, \* \* \* covered with an infinite detail of massed seals in reproduction \* \* \*."

Then again, in July, 1890, the following contrast is drawn, looking back to 1872-1874, p. 44, following the above:

"So when I regard this ground to-day, after an interval of 16 years since my last survey, I find a square declaration from the ground itself of loss to this rookery of one-half of its female life, while its breeding bulls are not equal to one-fifteenth of their number here in 1872. Then, too, the utter absence of a young bull on the vacant spaces in the rookery or in the water at its sea margin; and, still more remarkable in contrast, that pronounced utter absence of the holluschickie from their grand parade ground here—that silent, empty space before me on which at this time in 1872 anywhere from 75,000 to 100,000 holluschickie were trooping in and out of the water frolicking in tireless antics one with another or wrapped in profound sleep \* \* \*."

## CENSUS OF LITTLE POLOVINA ROOKERY.

[Field notes to accompany the chart and survey of condition of Little Polovina rookery, St. Pauls Island, Pribilof group, July 15, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document 175, Fifty-fourth Congress, first session, pages 31, 32, 33.)

We begin our survey at station C, and up to station B every vestige of seal life has disappeared, as compared with the survey of 1890.

From the latter station we find 21 bulls and about 800 to 1,000 cows; "no polsecatchie in the rear," and, in fact, no young bulls anywhere in sight. The life then abruptly ceases and from this station to station D not a vestige remains. There are no holluschickie in or around this rookery or in sight.<sup>1</sup>

*To recapitulate.*—For Little Polovina, July 15, 1913, we find 21 bulls, 1,000 cows, 900 pups; for Polovina rookery, July 15, 1913, we find 72 bulls, 8,005 cows, 7,200 pups. On both Polovinas, season of 1890, there were 1,850 bulls, 71,000 cows, 70,250 pups; season of 1874, there were 8,600 bulls, 150,000 cows, 148,500 pups.

## CENSUS OF NOVASTOSHNAH ROOKERY.

[Field notes to accompany the chart and survey of condition of Novastoshnah rookery, St. Pauls Island, Pribilof Group, Tuesday, July 15, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published and official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document 175, Fifty-fourth Congress, first session, pages 31, 32, 33.)

As we open and begin our review of this rookery of Novastoshnah to day, we start in at Websters Point and traverse the abandoned hauling grounds of 1874 to Pulpit Point. At station A is where the breeding grounds of 1874 ended on this side of Novastoshnah. From Pulpit Point to the sand beach, between station B and station A of the 1890 survey, not a single seal is in sight to day. Crossing over that sand beach to station A, we find the small hauling grounds of 1890 entirely abandoned, no sign of any holluschickie on them, not a single polsecatchie; a small pod of holluschickie is hauled out on rocks awash under A, which are the last remnant of thousands once

<sup>1</sup> In 1872-1874 there were two great hauling grounds which were never visited at any time by the natives who were getting seals for the lessees; they were never even looked at or thought of by anybody when Elliott was surveying the herd then—the Southwest Point hauling grounds, where at least 60,000 to 80,000 large 3 and 4 year old seals gathered fairly alone by themselves, and the Dalnoi hauling grounds, just midway between Little Polovina and Novostoshnah.

The natives told us that they had first "driven" the "big seals" at Southwest Point in 1836; they had by 1839 completely finished the life there, and to-day, July 24, 1913, they told us that not a seal has ever hauled out there since.

They made their last drive from Dalnoi in 1896; not a seal has hauled there since; in 1890 they drove less than 100 from it. This shrinking to disappearance of the surplus male life long, long before any great loss of the female life has never aroused that interest which it deserved by the casual observers who have been on these islands at intervals since 1890 to date. The natives, however, in 1890 were much concerned about it, and declared that the work of the pelagic sealer was then not near as deadly for the seal herd's existence, nor was the killing on land as it had been conducted ever since 1883.

In 1872-1874 they declared that under the Russian régime, 1800-1834, the continued annual killing of the young male seals (just as the lessees have been killing them since 1871-1909) had so reduced the herd that they were compelled to give it a 10 years' rest; they said that in 1834 there were "only about 500 cows alive on Polovina," etc. (See Elliott's Mono. Seal Islands, 1882, 10th Census, p. 49.)



1

2

3



# "LITTLE POLAVINA IS."

July 15, 1913.

Surveyed by H. W. Elliott and A. E. Gallagher,  
Agents U. S. Com. Exp. Dept. Commerce.

## Analysis of the Numbers and Location of the Breeding Seals on Little Polovina Rookery.

Between Secs. C and B, - there is nothing.  
Between B and D, - there are 24 bulls, and 1000 cows.



# (Big) POLAVINA ROOKERY

Saint Paul Island: July 15, 1913.

Surveyed by H. W. Elliott and A. E. Gallagher,  
Agents U. S. Com. Exp. Dept. Commerce.

POLAVINA POINT

## Analysis of the Numbers and Location of the Breeding Seals on Polovina Rookery

Along Sec. B, -	there are	2 bulls and	1st cows.
Row of Tag 1, -	"	3 do	90 "
Row of Tag 3, -	"	7 do	600 "
Row of Tag 2, -	"	1 do	1 "
Row of Tag 1, -	"	1 do	30 "
Grooves	"	1 do	300 "
Pol. P. B.	"	8 do	7,000 "
Between B and C, -	"	50 do	



existing and swarming on that immense sweep from Websters Point. To the crest of Hutchinsons Hill from here it is overgrown with grass, and it was totally abandoned by the seals evidently many years ago.

On reaching station A we find the first seals surviving from the survey of 1890. We find here the best depth of a single gathering of the herd that we have seen outside of the massing under Garbotch; it is at least five harems deep. We find from 750 to 800 cows and from 38 to 40 bulls. On the water's edge we find four or five 6-year old bulls.

This feature of normal massing of harems at this point is immediately lost as we proceed toward Sea Lion Neck, or station B, and on reaching that foot of it we find a second semimassing, three harems deep, of about 120 cows. On the rocks of this station is the first noteworthy squad of holluschickie that we have encountered, perhaps 200 or 300 of them. We find here about 35 bulls and about 800 cows. We find here the first big sea lion seen thus far in our survey.

From station B to the neck it is all abandoned, even every sea lion has gone, with the exception of about 100 holluschickie and two ragged harems about midway between the neck and this station.

From the neck we go to Northeast Point and find nothing,<sup>1</sup> thus closing the entire aggregate of breeding seals on the east margin as compared with the survey of 1890.

On our arrival at the point we find a rookery of sea lions which closely resembles the aggregate of 1890; in other words, there may be 1,500 of them. There is certainly a fine aggregate and no danger of extermination to this life on the island.

From the Point we proceed west to the Asses Ears. Under the immediate flank of them and the sea-lion rookery, we encounter a ragged seal-harem, together with one idle bull in the rear.

Starting at the foot of station L, we meet the first band of breeding seals where none hauled in 1890, existing on grounds not occupied in 1890 and as we proceed west, we find 7 bulls and about 250 cows, with one idle bull on this ground abandoned in 1890, and now reoccupied in 1913, which is the first example of this kind found thus far on the rookeries. There are no polsecatchie, no 6-year-old bulls; no fighting, and no evidence of dead, or sick, or trampled pups. All look healthy and well.

Immediately above us, as we go west, is the first noteworthy pod of holluschickie hauled out, consisting chiefly of yearlings; we should

<sup>1</sup> In view of that complete elimination, the following is recorded of it in 1872:

"There is no impression on my mind really more vivid than is the one which was planted there during the afternoon of that July day (1872) when I first made my survey of this ground. Indeed, whenever I pause to think of the subject this great rookery of Novestoshnah rises promptly to my view, and I am fairly rendered voiceless when I try to speak in definition of the spectacle. In the first place this slope from Sea Lion Neck to the summit of Hutchinsons Hill is a long mile, smooth and gradual from the sea to the hill top. The parade ground lying between is also nearly three-quarters of a mile in width, sheer and unbroken. Now, upon that area before my eyes, this day and date of which I have spoken, were the forms of not less than three-fourths of a million of seals. Pause a moment; think of that number; three-fourths of a million seals moving in one solid mass from sleep to frolicsome gambols, backward, forward, over, around, charging and intercharging their heavy squadrons until the whole mind is so confused and charmed by the vastness of mighty hosts that it refuses to analyze any further. Then, too, I remember that the day was one of exceeding beauty for that region. It was a swift alternation overhead of those characteristic rain fogs, between the succession of which the sun breaks out with transcendent brilliancy through the misty halos about it. This parade field reflected the light like a mirror, and the seals when they broke apart here and there for a moment, just enough to show its surface, seemed as though they walked upon the water. What a scene to put upon canvas, that amphibian host involved in those alternate rainbow lights and blue-gray shadows of the fog." (Monograph Seals Islands of Alaska, 1872-1874; Elliott.)

Every foot of that ground thus described above is covered with grass to-day, and not a single hauling squad of bachelor seals seen upon it, but one small bunch of less than 4,500. (H. W. E., July 15, 1913.)

judge there are about 1,000 or 1,200 of them in this batch. Just before reaching these holluschickie, we find the first dead pup that we have seen thus far, although, naturally, there must be many more.

As we proceed to station M, passing these holluschickie, we find 24 bulls and about 700 cows. The holluschickie which all ran down to the sea and swam off as we passed by, are now rounding the point in front of us, a few hauling up again on the rocks immediately under station M. We find among them 7 or 8 young idle bulls and these are the first ones we have found thus far on this rookery.

At station M we find another semimassing of harems, which we count, and estimate as containing 23 bulls and from 2,300 to 2,500 cows. Back of this massing are two pods of holluschickie, which we estimate to consist of about 100 in one pod, and the other of about 2,500 or 3,000—all going to the water—nearly all yearlings, very few 6-year-old's, very few polsecatchie, as they show themselves to us as they are now going into the water by us. To these figures we add about 430 cows at the base of this station, and 10 bulls. In between we find a couple of ragged harems, 2 bulls and 14 cows.

Between stations M and N the holluschickie which are running out now from the pods which we have just stirred up, make an exhibition of at least 4,000 young animals since they started; chiefly yearlings. (More than 200,000 of them were on this particular area under Hutchinson Hill, in July, 1874.)

From station N we now proceed to jag 1, of the 1890 survey under the foot of Hutchinson Hill, and at the base of which lies a mass of breeding seals, of about 12 harems deep. This is the deepest and the largest aggregation of that normal massing of breeding seals which existed here in 1874, that we have seen thus far, and which now is only faintly shadowed out by it. From this outside point of enumeration, since it is impossible to properly get in among and count those bulls as they lie to-day, nor is it sensible or advisable to do so, it would appear that there are from 65 to 75 bulls, but it is impossible to state the exact number, we will therefore define the boundary as being substantially the base of jag A in the 1890 survey, and cut down to slightly within the limits of the 1874 survey.

From here we will pass to the summit of jag 1, of the 1890 survey, and look down upon this mass of breeding seals at the foot of Hutchinsons Hill, in order that we may make a sensible approximation of the numbers massed therein. We observe along here two more dead pups. Reaching this summit (jag 1) we look down and find that the massing follows the lines of 1890, reaching from the point of jag 2 over to the limits of jag 1, but within the lines of the survey of 1874. It again falls away into a series of ragged harems, and dies out before we reach station N. It is massed approximately as the normal massing of 1874, as far as it goes, covering at least 520 feet of the sea margin, running back of jag 1 of 1890 at least 200 feet, with 10 or 12 harems deep, fading away toward jag 2, and jag 3 being entirely eliminated and lost in this survey.<sup>1</sup> We find in this

<sup>1</sup> Touching this complete elimination of seal life as noted here in 1913, it is interesting to contrast the description of it as it appeared on this spot in 1890, or 23 years ago.

"As this great rookery was the object of my chief admiration in 1872, now it, in 1890, again becomes the object of my chief concern—not admiration to-day, but of my chief pity for this breeding ground has suffered a startling loss of life during the last 18 years. It presents the deepest shadow now to that sunshine in which I saw it 18 years ago, as I then walked around and over it. I surveyed the ground last summer (July, 1890) as one would locate a graveyard; not more than a suggestion of the massed life of 1872 have I been able to see within its desolate area. That ground which I have described in 1872-1874 as covered with hosts of

massing of breeding seals approximately 6,500 cows and about 125 bulls, with 10 "idle" bulls in the rear, but no "polsecatchie" about.

The survey of jag 3 of 1890—that is, the life line of the survey of jag 3 of 1890 to-day—is now represented by a fringe of harems at the surf margin, consisting of 24 or 25 harems and about 400 cows; no idle bulls.

We find also a large gathering of sea lions, bulls, and cows just below the breeding seals at the surf margin on the rocks, there being not less than 300 or 400 of them.

Proceeding to station O, we find about 32 bulls and 600 cows. From O to P we find about 32 bulls and about 600 cows. At the foot of station P there are about 14 bulls and about 250 cows, with two idle 6-year-old bulls in the rear, but no polsecatchie.

As we proceed from P to Q, we find 15 bulls and about 400 cows. That closes the life, which abruptly ends at station Q.

Beyond, as we progress to station R, we find 10 bulls (6 of which are idle), and four harems at the northwest shoulder of station R, containing about 50 cows; the entire life of 1890 being reduced to that! On the reef at the foot of this northwest shoulder are three or four hundred holluschickie playing on the rocks, with a few sea lions.

It may be said here, in review, that the sea lions that we have seen at the foot of the station that we have just left undoubtedly belong to the rookery at Northeast Point, and the aggregate number of them that we have had in view clearly proves that the sealion life of to-day is quite up to the record of 1890.

We now proceed from station R to station S on the northwest shoulder, and we find a series of pocket harems at the surf wash, consisting of two bulls, with about 140 cows, and 6 bulls with about 250 cows, plus one bull with three cows, in the pocket right at the extreme point of the northwest shoulder, together with one injured or crippled bull.

From station S we proceed to station T, where we find 5 bulls and about 60 cows under the last-named station.

We now sweep around to stations U and V, and enumerate as follows: Seven bulls plus 2 bulls and about 300 cows, plus 10 bulls and 350 cows, with 2 polsecatchie swimming at the water's edge (the first we have seen this morning), plus about 25 bulls and over 1,500 cows, with one 6-year-old bull in the rear, plus 4 bulls and 65 cows, plus 3 bulls and about 50 cows, and plus 5 bulls and about 250 cows.

Between station V and station W nothing appears in sight. At stations U, V, W, and X there is a complete abandonment of all that ground by the seal life; not a single seal on the rocks or on the hauling grounds or in sight! From station X to the middle shoulder

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amphibians, is again before me to-day, with not a single herd of seals upon it—actually green with upspringing grass and colored and flecked with varied flowers." (P. 47, H. Doc. No. 175, 54th Cong., 1st sess.)

"The sound which arose in 1872 from these great breeding herds of the fur seal when thousands upon tens of thousands of active, angry, and vigilant bulls were roaring, chuckling, piping, and multitudes of seal mothers were calling in hollow bleating tones to their young, that in turn responded incessantly, is simple defiance to verbal description. It was at a slight distance softened into a deep booming as of a cataract. \* \* \* Night and day throughout the season of 1872 this din upon the rookeries was steady and constant." (Pp. 41-42.)

"I have heard it with a light, fair wind as far as 6 miles out from land in the sea. And even in the thunder of the surf and roar of heavy gales it would rise up and over all to your ear quite a considerable distance away. It was the monitor for which the sea captains anxiously strained their ears when they had run their 'dead reckoning' up and were 'laying to' in the fog, waiting for it to rise so they could get their bearings on the land." (Elliott, Mono. Seal Islands, 1872-1874.)

we now proceed, and right under the foot of the middle shoulder since we left station W the first seal life reappears, and we find here 3 bulls with about 50 cows.

From the middle shoulder, where we have just enumerated this appearance of the seal life since we left station W, we now traverse the finish of this coast line of Novastoshnah, to the south shoulder, and as we go we observe not even a shadow of this life—there is not a single seal from our starting point to the finish at station B; not a sign of seal life.

As we look back, over and along the whole route that we have traversed this morning, in and out of these pocket harems, and over the ground covered by the survey of 1890, we are impressed with the fact that the seal life as we see it now is far short of that surplus male life which nature intended should surround and serve as sires for the breeding harems. Throughout this entire circuit we have been impressed with the fact that the number of cows in harems are abnormally large. They are nearly three times greater than the proportion which is naturally found in their normal condition. The bulls evidently have had no real fighting to maintain and secure their positions, since very few of them have any combat marks. The result is that we find an aggregate of very large harems, spreading out into scattered or ragged harems on either side, in which the service is often devolved upon the single bull, unless assisted, far beyond his power, since many of these larger harems, numbering not less than 120 to 130 cows, were observed.

In a very large majority of the pocket harems the families exceeded 60 to 75 cows; the ragged harems of 5 to 10 cows, surrounding them, make up the total of active bulls as against the total of breeding cows, a misleading summing up; because, really, the bulls which are in active service within the lines of the large harems are doing three and four times the work they should do, while the others are practically idle. Then, also, we observe, as we complete the circuit, that same crowding unnaturally, by the breeding seals, to the surf line, instead of lying up in a normal manner, 10 or 12 feet back from the surf wash at high tide. That is due undoubtedly to the incessant hunting and chasing of these holluschickie by the natives and pup counting along the lines of these harems and the sea margin, as the lessees urged the native drivers to get them or the agents directed the "live-pup counts"—all wrong.

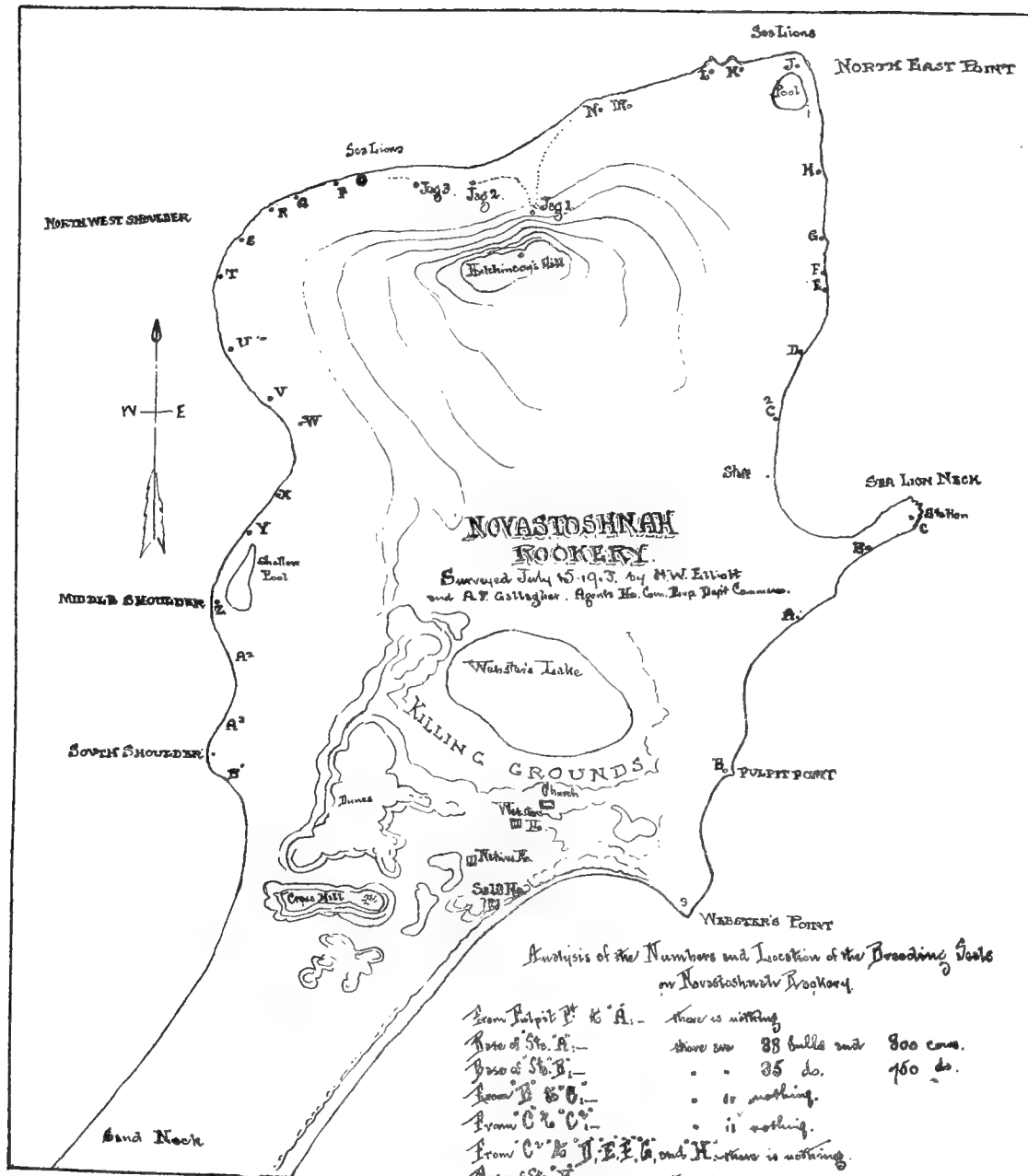
From here on the north, middle, and south shoulders the small hauling of holluschickie reported in 1890 has entirely disappeared, and it seems to now be entirely confined to that single exhibition, as above cited, at stations M and N.

We might add that this morning we have seen the first badly injured bull thus far seen on our survey, and that we have not seen a single exhibition of "bulls fighting for possession of the females" or of "cows being torn to pieces" by the bulls, or of "pups trampled to death" on the rookery.

We have carefully looked into nearly every one of the harems, and we have not seen more than one dead pup. We have not seen the slightest evidence of any sickness or distemper among these seals, old or young.







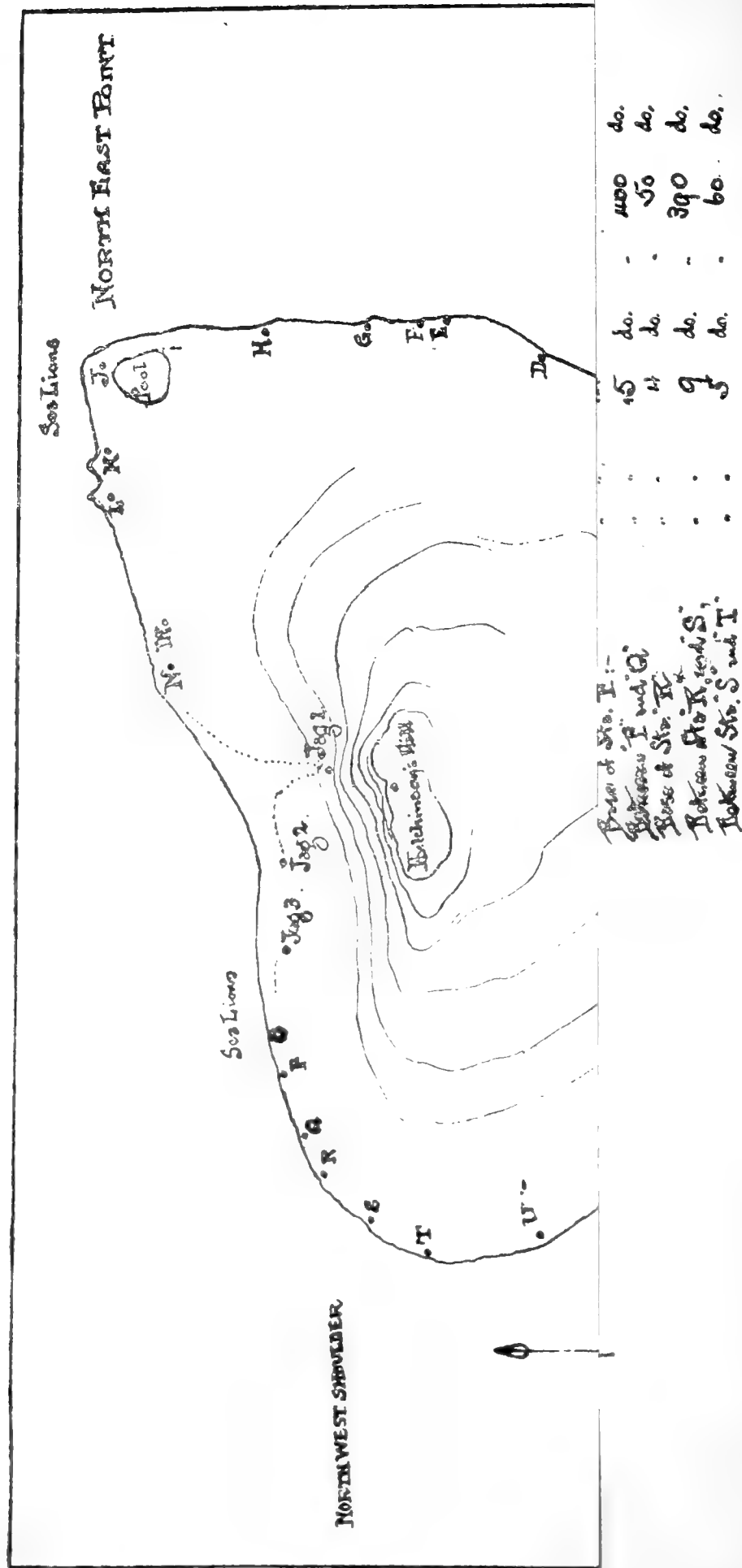
# Analysis of the Numbers and Location of the Breeding Pools on Novastoshnah Rookery.

From Pulpit Pt. to A:	there is nothing		
Base of Sta. A:	there was	88 bulls and	800 cons.
Base of Sta. B:	" "	35 do.	160 do.
Between B & C:	" "	10 nothing.	
From C to C <sup>2</sup> :	" "	11 nothing.	
From C <sup>2</sup> to J, E, F, G, and H:	there is nothing.		
Base of Sta. K:	there is	1 bull and	10 cons.
Between Sta. L and M:	" "	7 do.	150 do.
Base of Sta. M:	" "	24 do.	700 do.
Between Sta. M and N:	" "	23 do.	2,300 do.
Base of Sta. N:	" "	10 do.	430 do.
Base of Jag. I:	" "	25 do.	6,500 do.
Base of Jag. 2 & 3:	" "	24 do.	400 do.
Base of S.E.O.:	" "	32 do.	600 do.
Between O and P:	" "	30 do.	570 do.
Base of Sta. Q:	" "	114 do.	200 do.
Between Q and R:	" "	15 do.	400 do.
Base of Sta. R:	" "	4 do.	50 do.
Between Sta. R and S:	" "	9 do.	390 do.
Between Sta. S and T:	" "	5 do.	60 do.

Between Sta. U and V: show me 144 bulls, and 2,360 cons.  
 Between V and X there is nothing.  
 Base of Sta. Z: there was 3 bulls and 50 do.

Grand total of 1454 bulls, 17,358 cons.  
 July 15, 1913.





*To recapitulate.*—For Novashstoshnah rookery: July 5, 1913, we find 454 bulls, 17,358 cows, 15,622 pups. Season of 1890 there were 2,600 bulls, 103,937 cows, 95,000 pups; season of 1874 there were 34,000 bulls, 600,000 cows, 540,000 pups.<sup>1</sup>

CENSUS OF REEF AND GARBOTCH ROOKERIES, WITH SEEVITCHIE  
KAMMEN-

[Field notes to accompany the chart and survey of condition of Reef and Garbotch rookeries, St. Paul Island, Pribilof Group, Thursday, July 10, 1913, by Henry W. Elliott and A. F. Gallagher, special agents of House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery when comparison is made with that of 1890 is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document No. 175, Fifty-fourth Congress, first session, pages 31, 32, 33.)

Beginning with our survey this morning, we find that the thin fringe of breeding seals which laid under the cap at Garbotch in 1890 has practically disappeared, with the exception of four or five small harems, until we reach the line under the Black Bend. The entire disappearance of that breeding life which was enumerated in 1890 as jags R, Q, and P has taken place. No massing or suggestion of massing of a single harem occurs until we reach jag Q of the 1890 survey. The Zoltoi bluffs to our back, on which a few hundred holluschicke hauled out during the summer of 1890, has been entirely abandoned by those animals, and the natives say that no drive has been made from there since 1896.

As in 1890 not a single killable seal or holluschack has hauled on Zoltoi sands up to this date. That famous and beautiful gathering place of the bachelors has been completely abandoned by them since 1890.

Upon the surf margin of Black Bend we find to-day a single fringe or line of six widely separated small harems—one being a full harem, one a ragged harem, and the others controlled each by a single bull with four to five cows. There are no young male bulls in sight. There are no polsecatchie at the water's edge or in the rear. The entire breeding ground area is abandoned as marked on the 1890 survey save these noted exceptions.

Proceeding on our way, we find from the Black Bend that the breeding seals on jags P and Q, of 1890, have entirely disappeared, and the sole survivors are now exhibited by that thin fringe of harems which we have just mentioned. From the summit of the Old John Rock, as we proceed, we find that the first massing which in the slightest degree resembles the normal condition of these rookeries is found at the foot of Old John Rock and to the southward to Gerbotch Bight, a distance of some 600 feet; here the harems are banked three and four bulls deep from the water's edge. The bulls are scattered at intervals of 20 to 30 feet apart (the normal distance being from 7 to 10

<sup>1</sup> The "podding" of the pups at Novashstoshnah September, 1872: "Although the appearance of the holluschickie at English Bay fairly overwhelms the observer with an impression of its countless multitudes, yet I am free to declare that at no one point in this evolution during the reproductive season have I been so deeply stricken with the sense of overwhelming enumeration as I have been when standing on the summit of Cross Hill I looked down to the southward and westward over a reach of 6 miles of alternate grass and sand dune stretches, mirrored upon which were hundreds of thousands of these little black pups spread in sleep and sport within this restricted field of vision. They appeared as countless as the grains of sand upon which they rested." (Elliott, p. 46, H. Doc. No. 175, 54th Cong., 1st sess.)

feet, when the herd is in fine form and condition). The cows in the harems present a uniformly rusty tone, which shows that the pups are all born for the season, practically. In the whole field of view under our eyes the proportion of new arrivals among the cows, as is shown by their silvery coats (gray backs and white bellies), is not one in fifty. The bulls appear in good form, not somnolent; and the proportion of young 6 to 8 year old bulls is quite large, though the number, all told, is far below the normal ratio; the cows are exceeding the males far, far beyond the limits of 1872 and 1874. There is no fighting under our eyes; no bull bears a mark upon his back, sides, or flippers, which is the evidence of fighting, if there be such, or has been such this season on this place. No dead, sick, or trampled pups here; no cows "torn to pieces" by the bulls either; not one.

Looking back and up under the slope of Black Bend to the base of this point of view from Old John Rock, the cap, we find that the entire area of 1890 occupied by breeding seals is reduced to nothing, save those few harems noted thereon by us at the start, on the margin of the scene, until we reach that first point of massing which we have just described. There are no half-bulls in sight at the rear or at the water's margin, and only five or six virile bulls in the rear. As we proceed from Garbotch Bight<sup>1</sup> onward, jags M, N, and O, of 1890 have entirely disappeared; nothing remains except six massed harems at the foot of jag M, and four ragged harems in between, at wide intervals, at the water's edge; from the bight we go to the foot of jags L, K, and J, of 1890, and find there is a complete elimination of all of that breeding-seal life save six ragged harems between jag M and the foot of jag L. Upon the ground occupied by the breeding seals in 1890, of jags K and L, is to-day a band of holluschickie, which we find to be composed nine-tenths of yearlings and the balance 2-year-olds, with the exception of a few 6-year-old and 5-year-old bulls hauled with them.

As we proceed we find that jags J and K are entirely eliminated, and in lieu thereof 10 harems are now scattered over the vacant interval, 3 of those harems being normal and the others ragged. We see no half-bulls in the rear or on the water's edge, nor are there any idle bulls.

As we proceed to the finish of the Garbotch line we find that jags I and II of 1890 have completely disappeared, save at the extreme water's edge, and down there and between the lava pockets are 8 or 10 massed harems and 7 or 8 ragged or scattered ones, with no evidence of an idle bull or the appearance of polsecatchie in the water or at the rear.

This completes our survey to-day of the breeding line of Garbotch. From there we proceed to Ardiguen, on the Reef Point.

<sup>1</sup> This desolated area was not so in 1872-1874, the following attests: "The adaptation of this ground of the Reef Rookery to the requirements of the seal is perfect. It so lies that it falls gently from its high Zoltoi Bay margin over Garbotch Bight on the west to the sea on the east; and upon its broad expanse not a solitary puddle of mud spotting is to be seen, though everything is reeking with moisture and the fog even dissolves into rain as we view the scene. Every trace of vegetation upon this parade has been obliterated; a few tufts of grass, capping the summits of those rocky hillocks indicated on the eastern and middle slope, are the only signs of botanical life that the seals have suffered to remain."

A small rock (see Viehie Kammen) five or six hundred feet away and out to sea is also covered with the black and yellow forms of fur seals and sea lions. It is environed by shoal reefs, rough and kelp-grown, which navigators prudently avoid.

"This rookery of the reef proper has 4,916 feet of sea margin, with an average depth of 150 feet, making ground for 361,000 breeding seals and their young. Garlotch Rookery has 3,606 feet of sea margin, with an average depth of 100 feet, making ground for 183,000 breeding seals and young, an aggregate for this great Reef Rookery of 484,000 breeding seals and young. Heavy as this enumeration is, yet this aggregate only makes the Reef Rookery third in importance compared with the others which we are yet to describe." (Monograph Seal Islands of Alaska: Elliott: 1874, p. 51.)



To-day Ardiguen, or jag G of the 1890 survey, has been reduced to a fringe of 12 or 13 scattered harems, all resting right at the water's edge. All massing here, or rookery appearance of 1890, has disappeared.

We now proceed to the Reef Point, where we find that jags F and E have receded to the water's margin, showing a fringe of 25 or 30 harems, 6 or 7 of which are abnormally large, 1 having at least 200 cows, another 60, and 2 or 3 of them with 30 or 40. We see here the first half-bull observed to-day and which bull fled from the rear and took to the water. We also see another half-bull in the water and one 6-year-old idle bull, the first idle 6-year old seen. There is no evidence of fighting and no evidence of trampled pups or cows being torn to pieces seen on the survey thus far.

As we proceed we find that jag D and jag C of 1890 are reduced to six massed harems at the water's edge, the bunching at the foot of jag D representing, collectively, about 500 cows, consisting of five or six harems bunched, another representing three or four massed harems, another representing three or four, another representing two, and another representing six or seven, the whole aggregate not exceeding 1,000 cows and 25 or 30 bulls. We also observed here two polsecatchie or 5-year-old bulls lying in the rear, but no others in sight, either at the rear or at the water's edge. There are only four or five idle bulls lying in the rear. The whole area covered by breeding seals on these jags of 1890 is abandoned and reduced to this number and appearance to-day.

We now proceed to the consideration of jags B and A, as we shall view them from the Reef Pinnacle, from which point they were best seen in 1890.

From the Reef Pinnacle we now find that they have been completely eliminated, and in lieu thereof there are seven scattered harems along the water's edge with perhaps 12 or 15 bulls. Around the pool is clustered a herd of holluschickie, with the usual proportion of 1, 2, 3, 4, and 5 year old male seals, this being the only band of holluschickie viewed since we left Garbotch, and the number may possibly be as high as 1,200 or 1,300, but these are all the nonbreeding seals that are in evidence to-day on the Reef Point and Garbotch hauling grounds.

From the foot of jag A to the second point of 1890, we will now proceed; but as we do, we stop at the summit of the Grand Parade Pinnacle, over which the eye can sweep upon the famous hauling grounds of 1874, where, from the foot of Fox Hill over to Garbotch Bight down to the Reef Point, and from shore to shore, the entire area was bare of every vestige of vegetation on the earth and lichens upon the rocks; and, upon which at any time during this period in 1874, not less than a hundred and fifty to two hundred thousand holluschickie were hauled out, moving hither and thither in ceaseless marching and countermarching, or else spread in fitful sleep and uneasy awakening, so characteristic of this animal when on land.<sup>1</sup>

<sup>1</sup> With regard to this condition of complete elimination of seal life to-day, as contrasted with its appearance on these grounds in 1874, the following description of it is made in Elliott's *Monograph Seal Islands*, under date of July 22, 1874, (pp. 50-51):

"These Zoltoi sands are, however, a famous rendezvous for the holluschickie; and from them during the season the natives make regular drives, having only to step out from their houses in the morning and walk but a few rods to find their fur-bearing quarry.

"Passing over these sands on our way down to the Reef Point, we quickly come to a basaltic ridge or backbone, over which the sand has been rifted by the winds, and which supports a rank and luxuriant

To-day, every foot of that ground so occupied and swept in 1874, and the rocks then polished, is now covered by a luxuriant growth of mosses, grasses, biennial and perennial flowers. Were it not for the matted fur and hair that is everywhere under foot and through which this vegetation reaches for growth, the statement made above would be fairly unbelievable; unbelievable because all of the holluschickie seen to-day from the beginning to the end of this survey have been confined to two small pods, one hauled out at Garbotch, not exceeding 400 or 500, and the other below the reef crest and around the pool, not exceeding 1,500 or 2,000. These are liberal estimates, and this statement of the utter abandonment of the sealing ground is a fact of positive record and indisputable evidence as this writing is made.

To resume this survey of the breeding lines which we closed at jags A and B of 1890, we find that the surviving seals are now bunched in 6 or 7 harems at the foot of those jags; one of these harems being bunched or massed with at least 250 to 300 cows, another even larger, another of 50 or 60 cows, and two or three ragged harems, the whole aggregate being not less than 1,000 cows, with this full disproportion of bulls in evidence. There is only one young 6-year-old bull seen in the water, and there are no polsecatchie in the rear.

Between the second point and the foot of jag A is a succession of 12 or 15 harems, all of them large, with two exceptions, carrying an aggregate of perhaps 450 to 500 cows. There are no young bulls in the water, or idle bulls in the rear, with two or three exceptions.

From the second point to the first point, with the exception of six or seven small surf-swept harems, consisting of an aggregate of perhaps less than 150 cows, the herd of 1890 has completely disappeared. From the first point, where there are six or seven harems massing and approximately 250 cows, we pass to the foot of Fox Hill, over which area the entire herd of 1890 has disappeared from. Under the foot of Fox Hill are six or seven small harems with perhaps 100 cows; the herd of 1890 has also disappeared completely in that place; not a seal on the margin nor a suggestion of a half-bull in the water, or in the rear. Everywhere a thick sod and flowers growing upon the ground covered by breeding seals in 1874, growing rank and luxuriant, right down to the surf-swept margins of the standard breeding ground.<sup>1</sup>

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growth of the *Elymus* and other grasses with beautiful flowers. A few hundred feet farther along our course brings us into full view as we look to the south of one of the most entrancing spectacles which these seals afford to man. We look down upon and along a grand promenade ground which slopes gently from the west to the eastward and trends southward away to a parade plateau as smooth as the floor of a ball-room 2,000 feet in length, 500 to 1,000 feet in width, over which multitudes of holluschickie are filing in long strings, or deploying in vast platoons, hundreds abreast in an unceasing march and counter-march. Their breath, which rises in a thick cloud from a hundred thousand hot throats hangs like clouds of white steam in the gray fog itself; indeed it may be said to be a seal fog peculiar to the spot, while the din, the roar arising over all defies our description.

"We notice to our right and to our left the immense solid masses of the breeding seals at Garbotch, and those stretching and trending around nearly a mile from our feet, far around to the Reef Point below, and opposite the parade ground, with here and there a neutral passage left open for the holluschickie to go down to, and come up from the waves."

<sup>1</sup> In 1890, on July 10, the following official record of the life on Garbotch and the Reefs is summed up as follows on page 31, House Document No. 175, Fifty-fourth Congress, first session:

"These enormous flocks of breeding seals which show so plainly on the Garbotch slope form the most striking feature of that changed order of affairs which declares a reduction of more than one-half of the females and fully nine-tenths of the males on this rookery."

"Then that splendid parade ground of 1872 is now fairly deserted—grass, moss, lichens, and even flowers are now taking root everywhere over its polished surface of 1872—and Zolot sands—it has not been visited by young male seals this year during the sealing season—none left to come."

"The whole of this reef neck in 1872 south of Grassy Summit and Fox Hill was entirely bare of grass or of any vegetation whatever except lichens on inaccessible rocks to seals, and tufts of grass on the overhanging points and cliff edges of the west shore; but on the 9th of last August, as I stood overlooking the

*To recapitulate.*—For the Reef and Garbotch Rookeries, July 10, 1913, we find 393 bulls, 15,000 cows, 13,500 pups.

#### CENSUS OF SEEVITCHIE KAMMEN.

(*Part of reef.*)

[Field notes to accompany the chart and survey of condition of Seevitchie Kammen rookery, St. Pauls Island, Pribilof group, Sunday, July 20, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee Expenditures Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document 175, Fifty-fourth Congress, first session, pages 31, 32, 33.)

The survey of the Reef rookery includes a rock known as Seevitchie Kammen, which is 800 or 900 feet off from the reef and to the southward and at sea.

In 1874 it was covered with the black and yellow forms of fur seals and sea lions, and the sea here usually is curling in shoal breakers or sputtered with tide rips. It is a small rocky islet, much less than a quarter of a mile in length; upon it, in 1874, the seals bred. It was the place where they hauled out first in the season as holluschickie, and were the earliest arrivals usually of the season, being found there sometimes as early as the middle of April.

A survey of it to-day shows that the sea lions have totally abandoned it and while the seals have taken possession of it as a breeding ground, upon it we find about 2,800 cows, about 75 bulls, about 2,500 holluschickie, and about a dozen polsecatchie. These breeding seals, while not massed, have distributed themselves over the rock proper, often to the highest ground, upon which the sea lions once laid; the latter have been persistently driven off by the natives since 1890, who came over to drive and kill the holluschickie in turn. The sea-lion feature of this rock has entirely disappeared; there are none here. This breeding ground has been firmly established by the seals, which have sought refuge here from the incessant hustling and driving to which they have been subjected on the Reef rookery margins by the natives during the past 15 or 20 years. In the course of time, when the Reef regains its former shape and numbers, history will repeat itself, and many of these breeding seals return to their original habitat; and the sea lions also, if they are not disturbed.

This closes the survey of the Reef and Garbotch rookeries.

*To recapitulate.*—Grand sum total for Reef and Garbotch, 393 bulls, 15,000 cows, 13,500 pups; Seevitchie Kammen, 75 bulls, 2,800 cows, 2,520 pups; total, 468 bulls, 17,800 cows, 16,020 pups. Lagoon, 8 bulls, 250 cows, 230 pups.

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whole field from the summit of Fox Hill, the interior of it was fairly green, and only straggling bands of a dozen seals here and a hundred there were hauling over it.

"Eighteen years ago these slopes of Garbotch and the Reef Parade were covered with angry, eager, lusty bulls, two and three weeks before the first one of the cows arrived. They came in by the 5-22 May in such numbers as to fill that space at close intervals of 7 to 10 feet apart solidly from the shore line to the ridge summit and over even so far that it required the use of a club vigorously, before we could get upon Old John Rock from the rear; then, too, at that time, they fighting in every direction under our eyes.

"This season I do not observe a bull here where I saw at least 10 at this time 18 years ago. Now, not a fight in progress; there are not bulls enough to quarrel. They are now scattered apart so widely over this same ground as to be 100 and even 150 feet apart over ground where in 1872 an interval of 10 feet between them did not exist."

*Lagoon rookery* (July 12, 1913).—To this we add the statement that Lagoon rookery, right across the Village Cove, and between the lagoon and the sea, has practically disappeared. There were only two harems full, and three ragged ones, or 8 bulls and 250 cows on its entire extent, July 12, 1913. No young male seals in sight in the rear or on the surf margin, and its condition "just as it was last year," according to the natives.

*On Reef and Garbotch rookeries.*—Season of 1890 there were 4,500 bulls, 225,000 cows, 203,000 pups; season of 1874 there were 13,000 bulls, 484,000 cows, 435,000 pups.

*On Lagoon rookery.*—Season of 1890 there were 100 bulls, 4,500 cows, 4,000 pups; season of 1874 there were 580 bulls, 18,000 cows, 16,250 pups.

#### CENSUS OF LAGOON ROOKERY.

[Field notes to accompany the chart and survey of conditions of Lagoon rookery, St. Paul Island, Pribilof group, Saturday, July 12, 1913, by Henry W. Elliott and A. F. Gallagher, special agents, House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published and official survey made by Henry W. Elliott and Charles J. Goff, July 10, 1890, and duly published as House Document 175, Fifty-fourth Congress, first session, pages 31, 32, 33.)

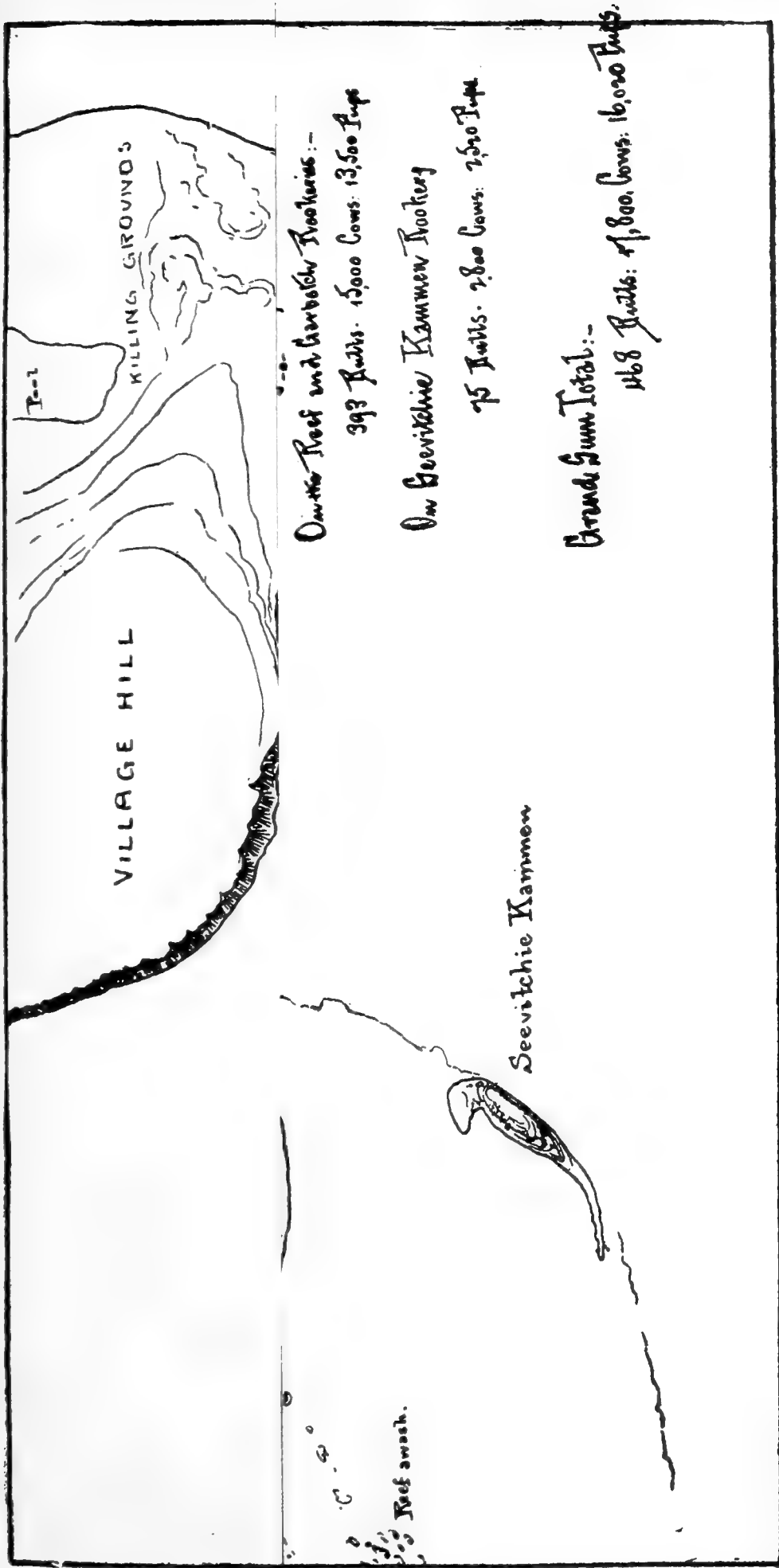
We find that the area occupied in 1890 has been diminished to a fringe of seven harems just above the surf wash with 8 bulls and about 250 cows. There are no polsecatchie in the rear, or visible in the sea, and no idle bulls as we start in, not one in sight to the finish of our survey.

This enumeration of 8 bulls to 250 cows is very misleading as to the actual service rendered, and indeed for that matter the relation of these bulls to the cows is very hard to express in general figures like the above.

Here in fact are only four harems—one has over 100 cows, another 80 cows, the third 60 cows, and the fourth has 8 cows, with 2 bulls each having only 1 cow.

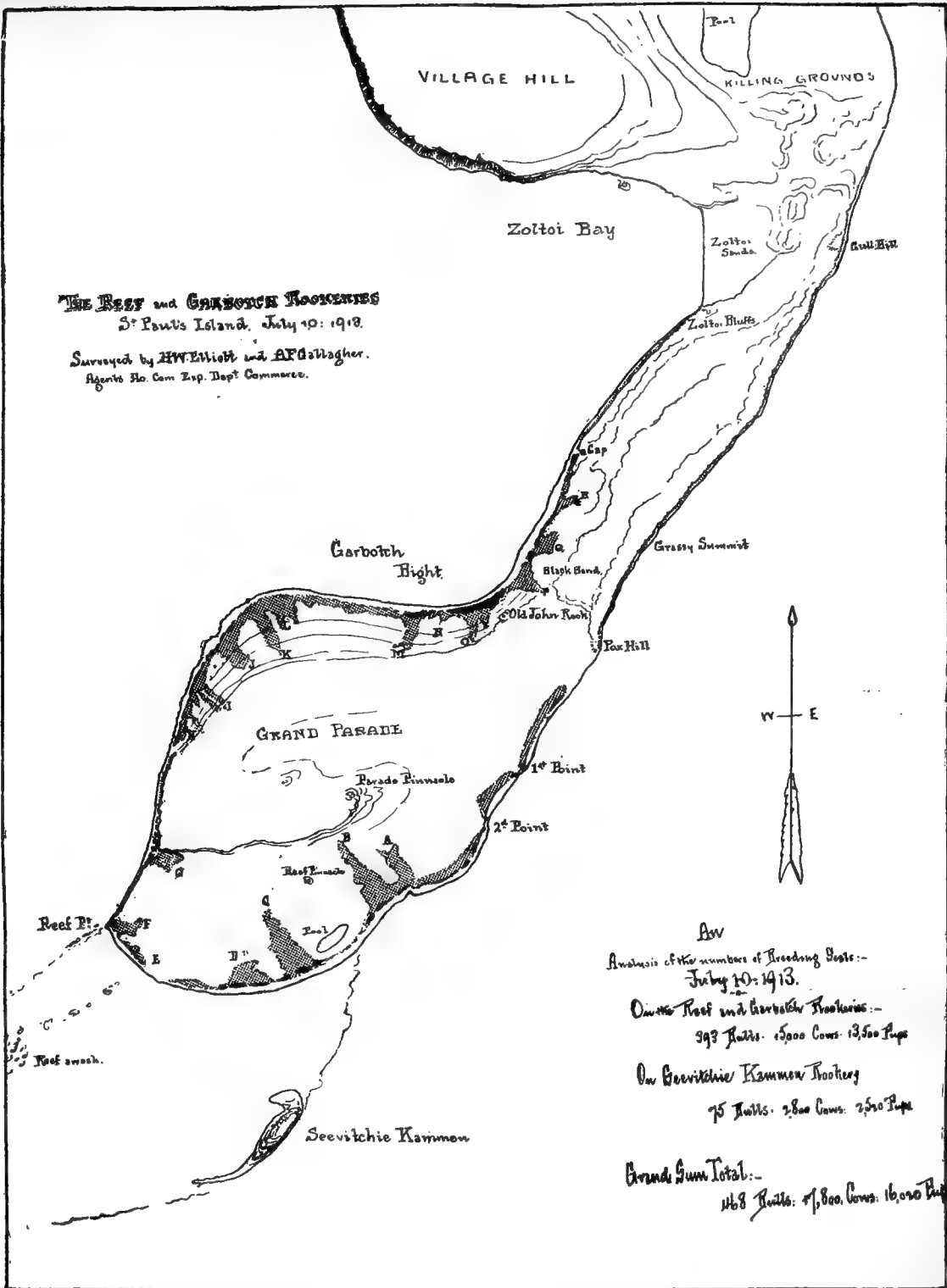
There are only 6 bulls out of the 8, with any show of service demanded, yet in fact three of those old bulls are simply overworked, and the service which should be distributed is not so made. This average of service rendered is about the same all over the rookeries to-day, and is entirely out of the normal and proper distribution of it as it was in 1874, and should be now.

*To recapitulate.*—For Lagoon rookery, July 12, 1913, we find 8 bulls, 250 cows, 250 pups. Season of 1890, 100 bulls, 4,500 cows, 4,200 pups; season of 1874 580 bulls, 18,000 cows, 17,250 pups.

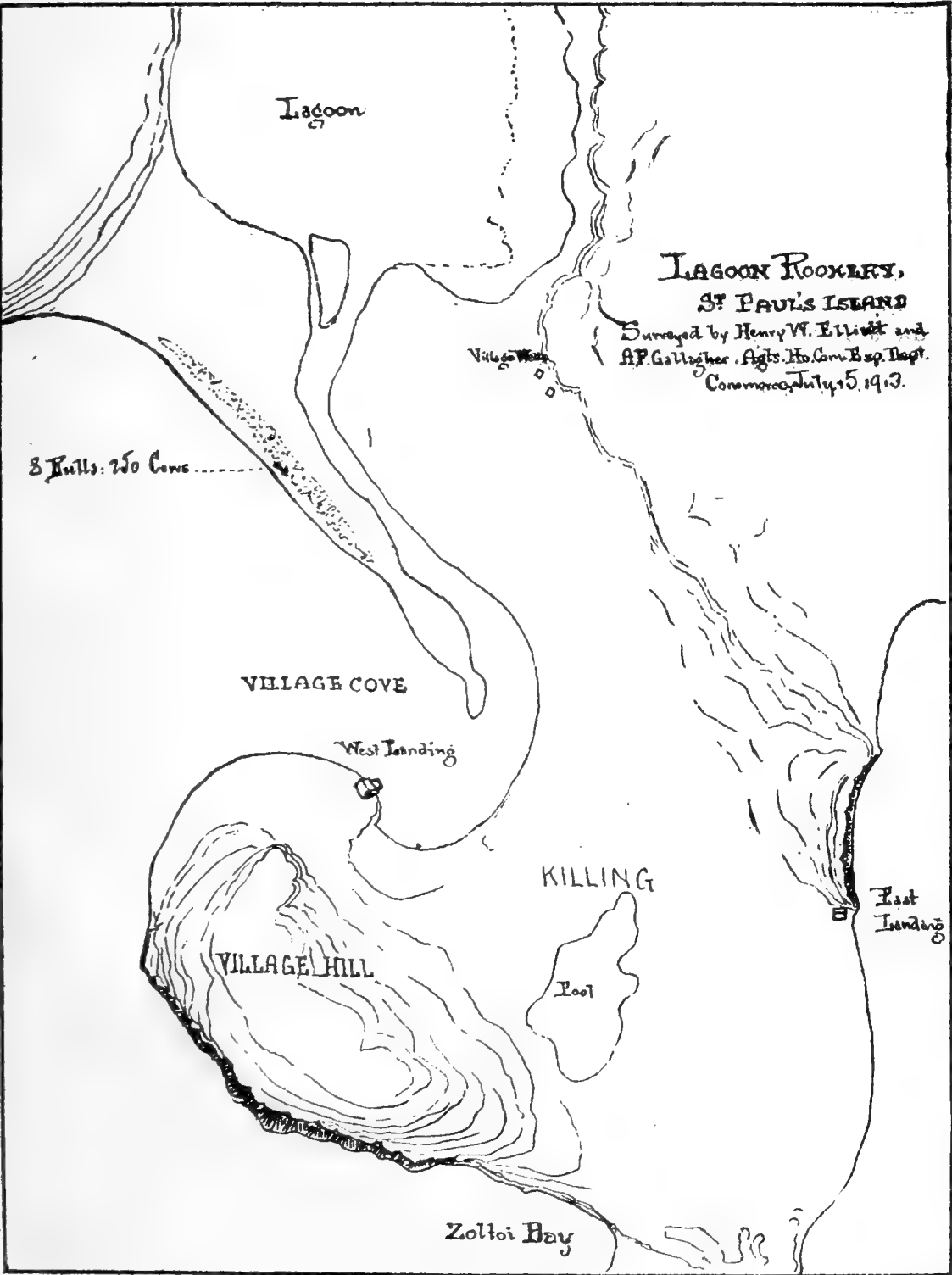


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## PART 3.

Charts of census of fur-seal herd, July 10-20, 1913, by Elliott and Gallagher, special agents House Committee on Expenditures in the Department of Commerce.

## CENSUS OF THE NORTH ROOKERY.

Field notes to accompany the chart and survey of condition of North Rookery, St. George Island, Pribilof group, July 18, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery, when comparison is made with that of 1890, is founded upon the published official survey made by Henry W. Elliott, July 10, 1890, and duly published as House Document No. 175, 54th Congress, first session, pages 51, 53, and 54.)

We begin our survey of this rookery by taking up the chart of 1890, at station L, under which no sign of the 1890 cliff belt of breeding seals is in evidence to-day; nor is there any evidence of the hauling of any seals in the "ravine" which we found so well indicated on the chart of 1890.

From this we proceed to station K, and between station L and station K and right on the point under station K we find 11 active bulls and about 400 cows, with 2 idle bulls. Proceeding from station K to station J, we find an irregular series of scattered harems, consisting of a total of 16 bulls and about 610 cows; no young males in sight, or idle bulls.

We proceed from station J to station I, and within the lines of the 1890 survey we find 7 bulls and about 149 cows. From station I to station H is the finest massing on this rookery, and we estimate therein 30 bulls and about 3,500 cows; still we see no "idle" bulls or "polsecatchie" on or around this section.

From station H we proceed to station G, and between those two stations we find a "pod" of holluschickie containing about 400 to 450, consisting chiefly of yearlings, with, say, 50 2-year-olds, a few 3-year olds, and three or four 6-year-old bulls, and as many "polsecatchie" or 5-year-olds. At the extreme point (G) we find two bulls and two harems containing about 36 cows.

From station G we go to station F and find 6 bulls and about 250 cows, all at the surf margin between; no idle or young bulls.

Now proceeding from station F to station E we find 18 bulls and about 1,200 cows; no idle or young bulls.

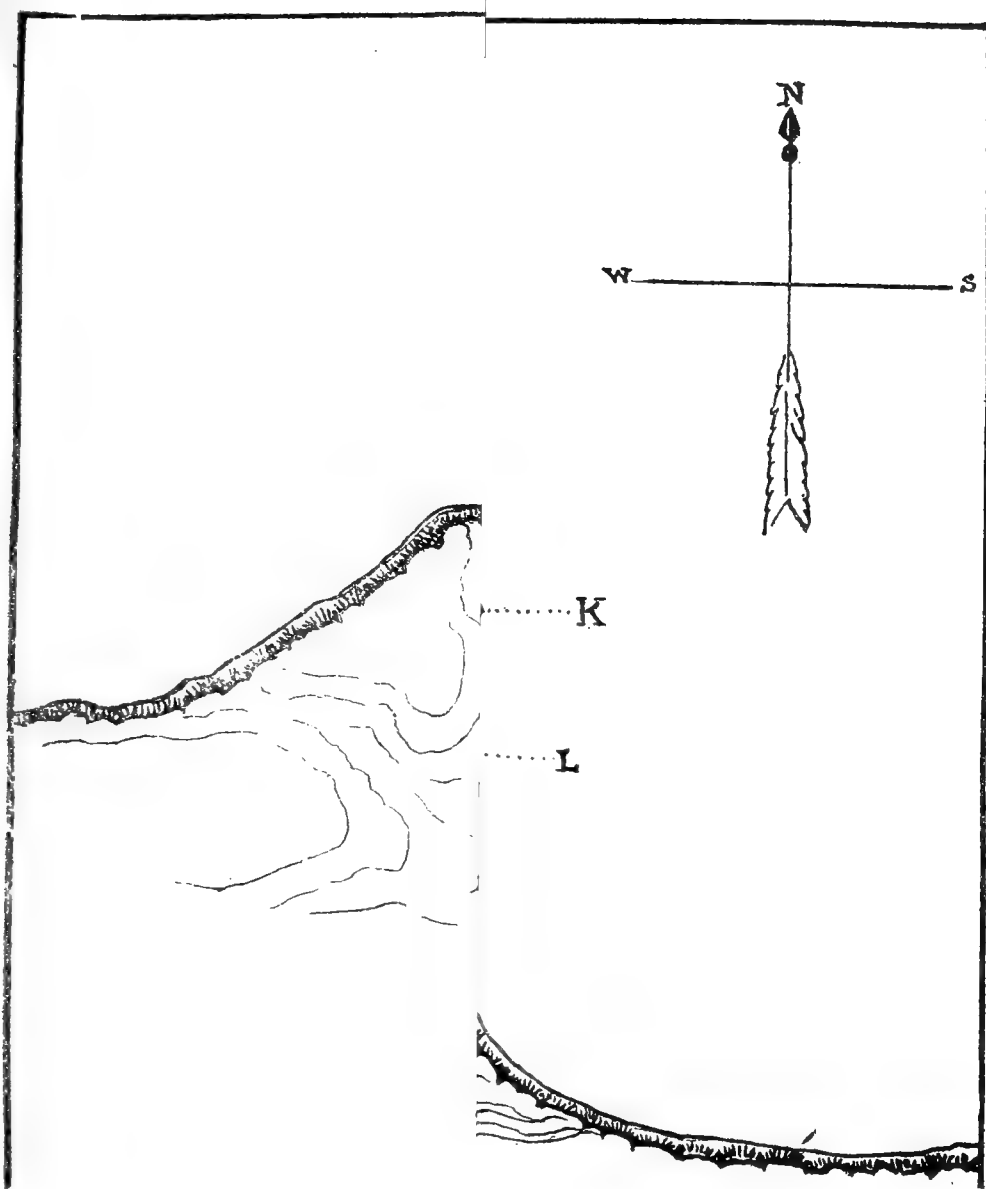
From station E to station D we observe about 20 bulls and about 550 cows, with one 7 or 8 year old idle bull, but no "polsecatchie."

From station D to station C we find nothing, it being an abandoned bluff. From station C to station B we find nothing, and from B to A every vestige of the life of the 1890 survey is eliminated.

At station A, looking back, we have this to say: The North Rookery presents the appearance, as compared with 1890, of a complete elimination of the surplus breeding male life, the young 6-year-old bulls, the "polsecatchie," and the holluschickie, that swarmed on this ground in 1874 and in 1890 were relatively there.<sup>1</sup>

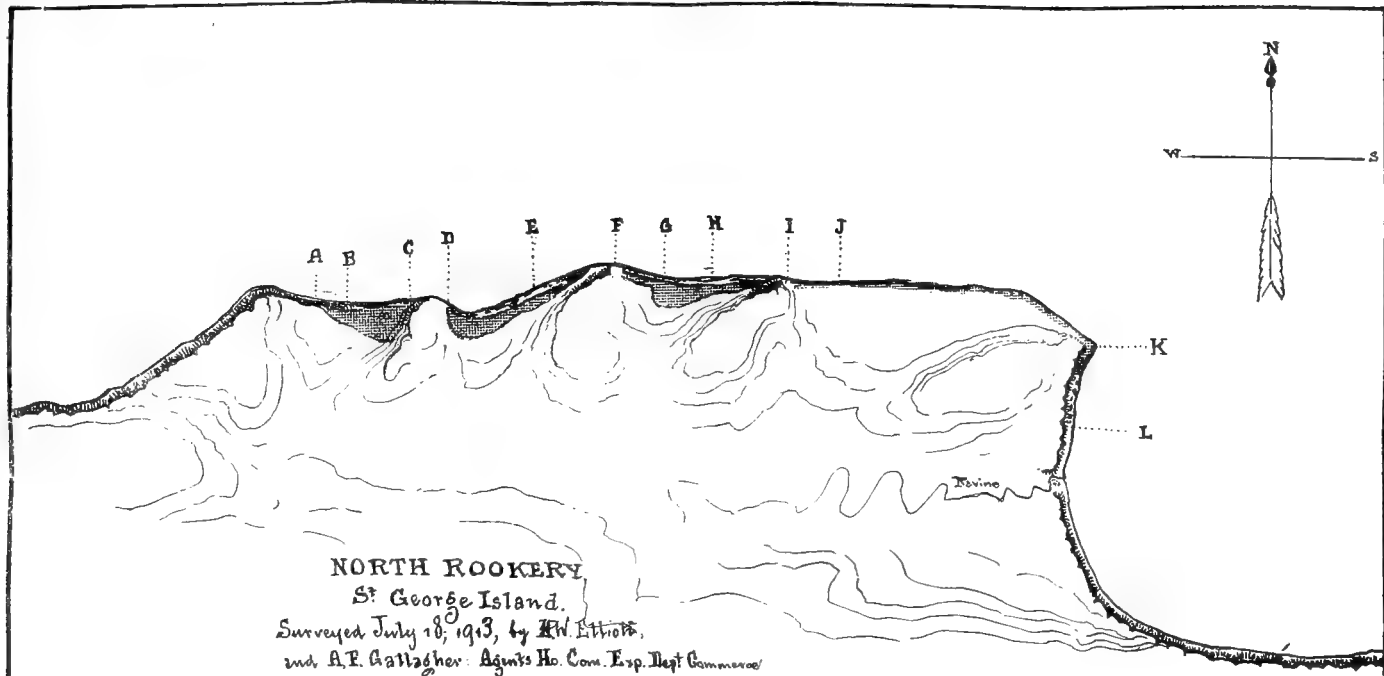
<sup>1</sup> As this is the chief rookery of St. George and one which has had perhaps more attention paid to it than all of the others, on account of its being so close to the village, the following notes made of it in 1890 contrasting its condition with that of 1874 are timely (p. 54, H. Doc. 175, 54th Cong, 1st sess):

"I came upon this breeding ground to-day, July 19, 1890, after an absence of just 16 years. I find the topography unchanged, the hauling grounds all grass grown, together with the usual flowering plants which seem to follow on all of these declining rookeries; the abandonment of hitherto polished rock and hard-swept soil traveled over and laid upon by the seals. The breeding animals on the several areas of this



1





*Analysis of the Number and Location of the Breeding Geats:-*

*From Rivine to Sts. I" there is nothing.*

do. "I" to "K":-	there are 14 Ruffs: 1400 Cows.
do. "K" - "J":-	" " 16 do.: 610 do.
do. "J" - "I":-	" " 7 do.: 149 do.
do. "I" - "H":-	" " 30 do.: 3500 do.
do. "H" - "G":-	" " 2 do.: 36 do.
do. "G" - "F":-	" " 6 do.: 250 do.
do. "F" - "E":-	" " 18 do.: 1200 do.
do. "E" - "D":-	" " 20 do.: 550 do.
do. "D" - "A":-	there is nothing.

Grand Total:- 110 Ruffs: 6695 Cows.



This rookery in 1890 suffered a loss of only about one-half from the survey of 1874. The survey made to-day shows a loss of nearly five-sixths of its breeding strength since 1874, and it has dwindled to the following figures in totals for 1913, to-wit:

To recapitulate.—For the North Rookery, July 18, 1913, we find 110 bulls, 6,695 cows, 6,200 pups; season of 1890, 485 bulls, 19,000 cows, 18,000 pups; season of 1874, 2,302 bulls, 38,500 cows, and 35,000 pups.

#### CENSUS OF LITTLE AND GREAT EASTERN ROOKERY.

[Field notes to accompany the charts and surveys of condition of Great Eastern Rookery and Little Eastern Rookery, St. George Island, Pribilof Group, Friday, July 18, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery when comparison is made with that of 1890 is founded upon the published official survey made by Henry W. Elliott, July 10, 1890, and duly published as House Document No. 175, Fifty-fourth Congress, first session, pp. 51, 52, and 56.)

We begin this morning a survey of the rookeries of St. George Island, at the extreme eastern end of the cliff belts of the Great Eastern Rookery, starting at station E, from which we proceed westward to station G, where we find 11 bulls and about 200 cows, plus 11 bulls and about 200 cows, irregularly spread on the beach belt of rocks under the cliffs. This is all the life that now survives there from the 1890 survey.

On the rookery ground from station G to station F we find 75 bulls. These bulls lie under the base of the cliff, beginning at station G, two harems deep, but they do not rise on the hill. They are dispersed over the ground here more evenly than on any rookery we have looked upon thus far. It is safe to say the average harem will hold as good as they did on St. Paul Island. Forty and fifty and sixty cows to the bull is not an excessive estimate. We find here a total of about 75 bulls and about 2,700 to 3,000 cows. They are lying just above the surf wash on the cliff belts and do not rise on the hill at station G. We see no "polsecatchie"; we see no "idle bulls."

Between stations G and F, as in 1890, we observe about 25 sea lions, included among them being four or five big bulls. As we go down, a pod of holluschickie are alternately sleeping and playing between the pool and the outer edge of the breeding seals that we have just enumerated. We see here, between the holluschickie and the breeding seals, two young 6-year-old bulls, being the only idle or separate male breeders in sight at this rookery. Between the pool and the foot of the breeding seals that we have just enumerated, we find this pod of holluschickie numbering at least 2,500 to 3,000. It is composed chiefly of yearlings; with about one-quarter 2-year-olds, and

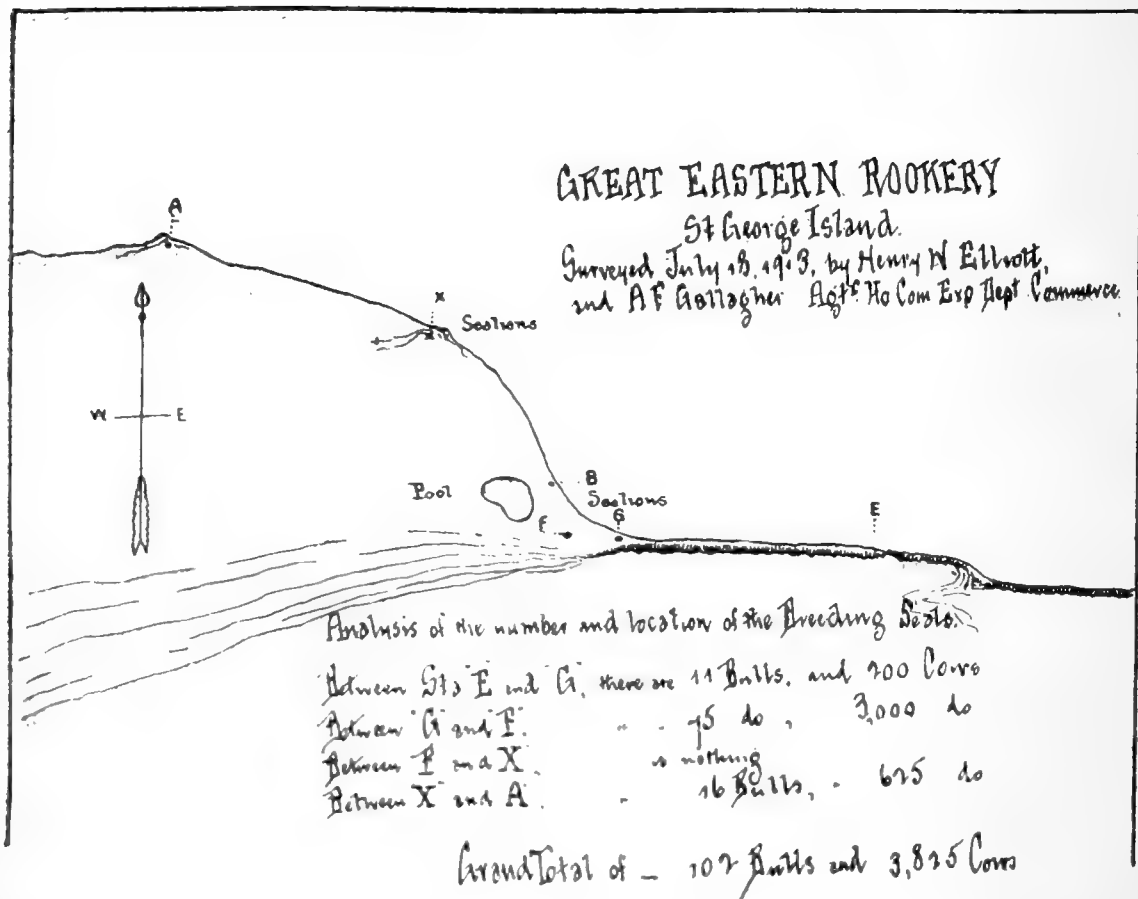
rookery are in the usual poor form and characteristic of those which I have described on St. Paul—the same scanty supply of old bulls; no young bulls on the rookery or outside on the water's edge; large scattered harems and every evidence of imperfect service. In all of these forms precisely as they are over on St. Paul.

"Yet this, the chief rookery of St. George, which held 76,250 breeding animals and their young in 1874, has suffered a loss of only one-half of its cows and pups—but the bulls, fully five-sevenths of them are missing. This rookery was the largest on St. George in 1874. It has been so ever since and is to-day; but, large as it was, there was only one on St. Paul smaller in 1874, the Lagoon Rookery (Nahspeel we can not count). However, to-day there is still another one smaller, and that is Keetavie, though it was twice as large as this North Rookery in 1874. It is an admirable point of seal ground, well drained and free from muddy pools during rain storms. It is in full sight of the village and only one short half mile's walk away."

a few 3-year-olds added to these; but the great bulk of yearlings, with two or three 6 or 7 year old bulls, and four or five 6-year-old bulls and rough 5-year-olds, making the exhibit which we have just estimated.

We find from station F to station X that the life of 1890 has completely disappeared; not a harem or an idle bull, or any vestige of that life remaining. From station X we proceed over the circuit of the survey of 1890 ending at station A. Passing along here we find three harems, with about 25 cows only. We also find here one big bull sea lion.

We now proceed from this station to the finish at station A, where a thin fringe of the life of 1890 is represented by 6 bulls and about 130 cows, chiefly massed around one bull. We also find here, just be-



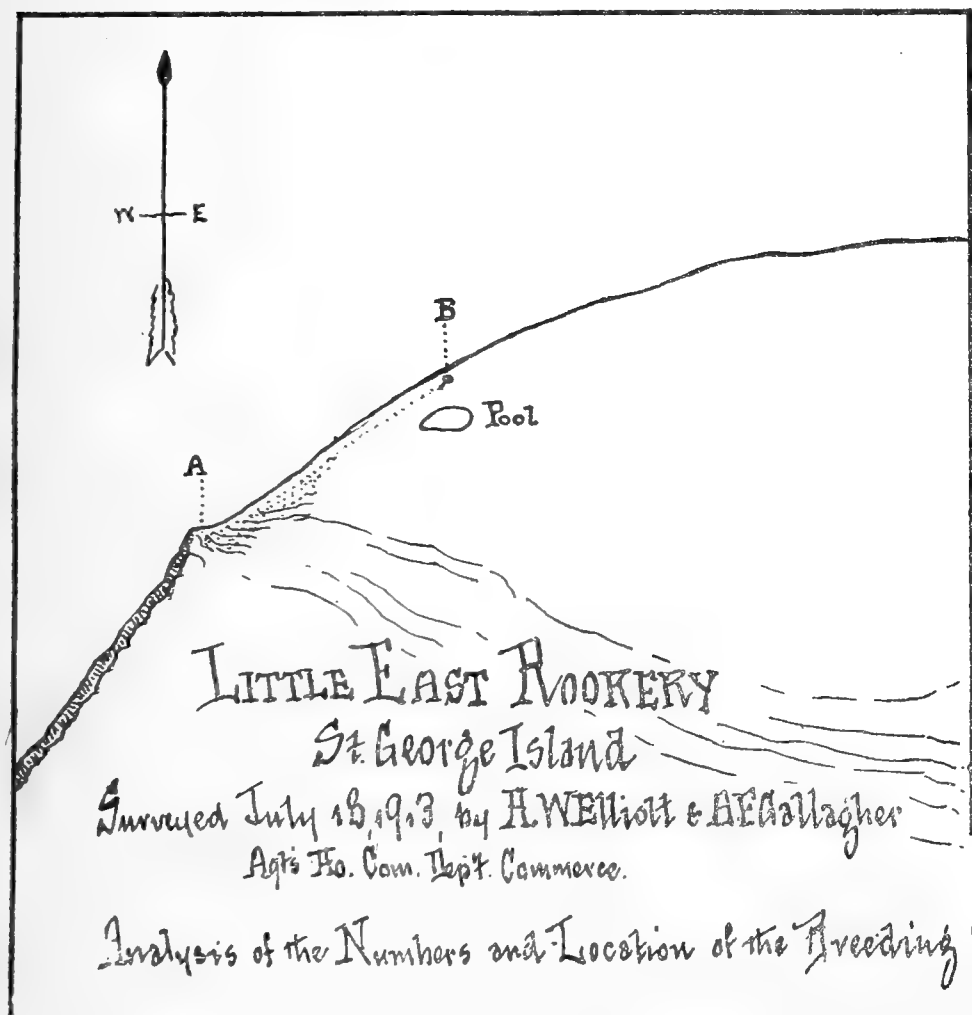
yond, two additional bulls and about 150 cows, one of the bulls being an idle 6-year-old bull, again beyond. There are no polsecatchie in sight, and no other idle bulls.

We now proceed to the finish at station A, and we find there, directly on it, some 320 cows, chiefly massed around 4 bulls, one being a 6-year-old; no polsecatchie; no idle bulls; no sign of other 6-year-olds, or any other males in sight.

This closes our review of the Great Eastern Rookery; from this point we proceed to take up the 1890 survey of the Little East Rookery. We find from station B to station A of the 1890 survey a total elimination of all life, save two harems—one of about 25 cows and the other of 3 or 4; no polsecatchie in the sea nor at the rear; no idle bulls; no holluschickie on the ground; but grass and

vegetation completely cover the hauling grounds of 1874, so much so that the pool is being actually sodded over.<sup>1</sup>

To recapitulate.—For Great Eastern Rookery, July 18, 1913, we find 102 bulls and 3,825 cows, 3,500 pups. For Little East, 2 bulls, 30 cows, 27 pups. Season of 1890, Great Eastern had 112 bulls, 4,500 cows, 4,300 pups; season of 1874, Great Eastern had 714



*Between Sta. B. and "A", there are 2 Bulls, and 30 Cows.*

bulls, 3,000 cows, 12,500 pups; season of 1890, Little Eastern had 62 bulls, 2,500 cows, 2,300 pups; season of 1874, Little Eastern had 112 bulls, 6,000 cows, 5,450 pups.

<sup>1</sup> With regard for the condition and appearance of the Great Eastern Rookery in 1890: On page 56, House Document 175, Fifty-fourth Congress, first session, is the following official description of it under date of July 20, 1890:

"In 1873-74 this breeding ground ranked third in the list of five that were found on the Island of St. George. To-day it seems to have been the heaviest loser. It has literally dropped down to a mere skeleton of its form in my early survey (1873). That extended rocky flat here from which the rookery ground proper gently rises on the hill slope was one of the most attractive hauling grounds for the holluschickie on St. George 16 years ago: now its entire surface is covered with a most luxuriant turf: it looks like a Kentucky blue-grass meadow.

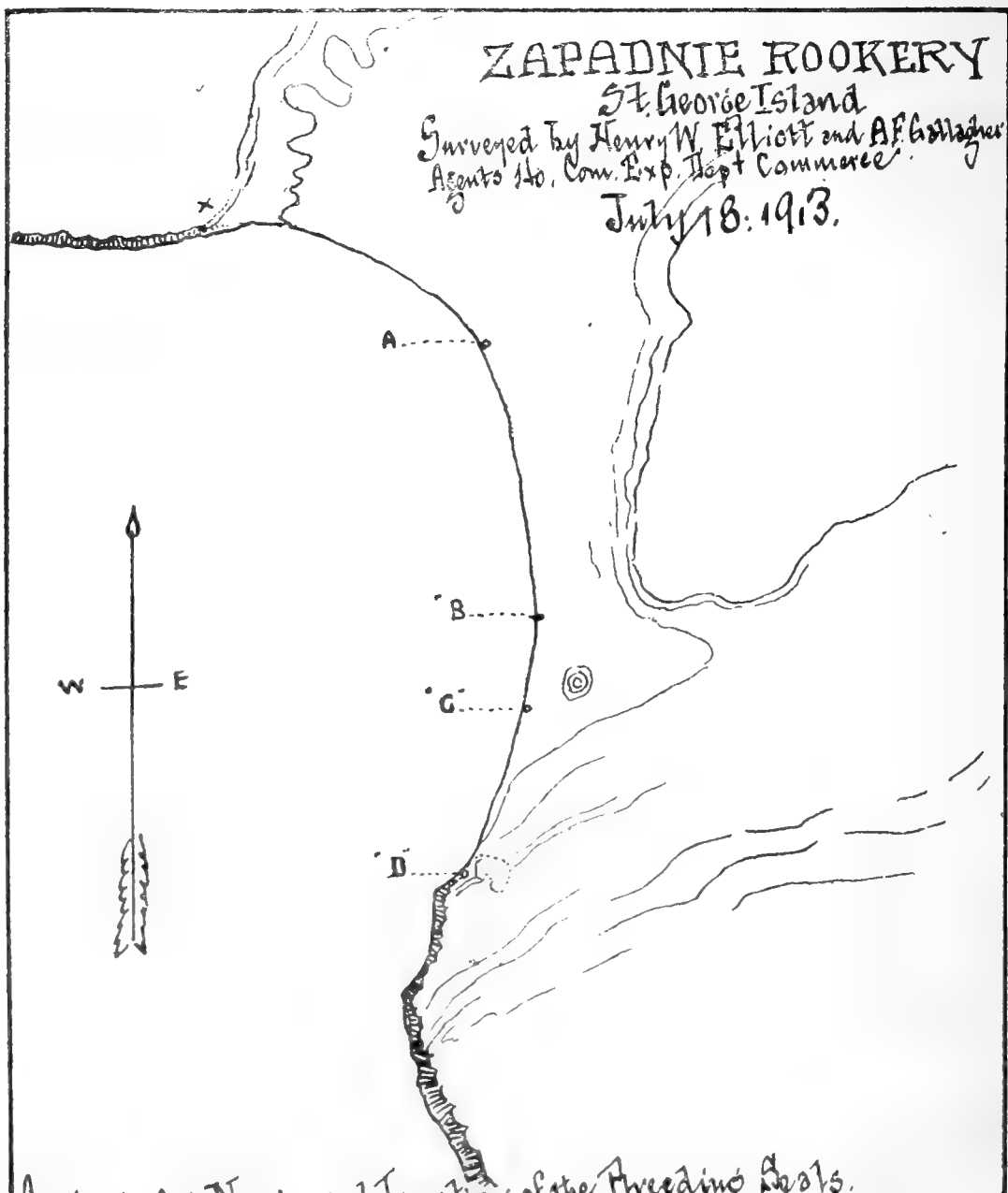
"I think that this rookery presents the most perfect illustration and eloquent, too, of that ruin and demoralization wrought by the present order of scraping the breeding lines on all of the rookeries in getting the daily drives of killable seals. It presents itself so in this plain manner.

"In 1873 there was only 900 feet of rookery sea margin here; 200 feet of this total was a solid massing of the breeding seals up the hillside from the sea, as shown by the 1874 tint upon the accompanying map. It was 200 feet deep and contained 20,000 of the 25,000 seals, all told, that then existed at this point. To-day there is 3,275 feet of rookery sea margin here; a straggling ragged belt, not even a full harem's width or depth, except under that side-hill expansion between F and G, where there is, instead of the 200 feet of massing cited above only 30 feet of average depth. This driving by the lessees repeated day after day has created that long extension of over 3,000 feet to the sea margin of 1874, on this rookery, while the seals themselves are barely one-third the number they were at first record."

## CENSUS OF ZAPADNIE ROOKERY.

[Field notes to accompany the chart and survey of condition of Zapadnie rookery, St. George Island Pribilof group, July 18, 1913, by Henry W. Elliott and A. F. Gallagher, special agents House Committee Expenses Department of Commerce.]

(The condition of the rookery when comparison is made with that of 1890 is founded upon the published official survey made by



*Analysis of the Number and Location of the Breeding Seals.*

Between Sts. "A" and "B", there is nothing

Between "B" and "C",

Between "C" and "D",

do. do.

there are 22 Bulls and 2,500 Cows.

Henry W. Elliott, July 10, 1890, and duly published in House Document No. 175, Fifty-fourth Congress, first session, pp. 31, 32, and 33.)



We approach this rookery from station A of the 1890 survey, and we find that to station B every vestige of the fur-seal herd then existing in 1890 has entirely disappeared.<sup>1</sup>

There is not a single pod of holluschickie on these grounds. From station B to station C, where a large hauling of holluschickie was made in 1890, and thence ranging up the hillside there is not a single holluschak upon it to-day.

We find from station C to station D a remnant of the hillside rookery only, consisting of some 2,500 cows and 22 bulls, with only one idle bull in sight—not a single young 6-year-old or 5-year-old bull in the water or on the land behind the rookery. This is the most significant, complete dearth of all surplus male breeding life that we have yet met on this survey. The estimate of 2,500 cows is not excessive, but is very fair. They are bunched together practically, immediately at the foot of the bluffs, at station D, and are semimassed part way up the hill, half way to station D.

This completes the survey of the rookeries on St. George Island.

*To recapitulate.*—For Zapadnie rookery, July 18, 1913, we find 22 bulls, 2,500 cows, 2,250 pups. Season of 1890 there were 150 bulls, 6,000 cows, 5,500 pups; season of 1874 there were 559 bulls, 9,000 cows, 8,250 pups.

#### CENSUS OF STARRY ARTEEL ROOKERY.

[Field notes to accompany chart and survey of conditions of Starry Arteel rookery, St. George Island' Pribilof group, July 18, 1913, by Henry W. Elliott and A. F. Gallagher special agents House Committee on Expenditures in the Department of Commerce.]

(The condition of the rookery when comparison is made with that of 1890, is founded upon the published official survey made by Henry W. Elliott, July 10, 1890, and duly published as H. Doc. No. 175, 54th Cong., 1st sess., pp. 51, 52, and 53.)

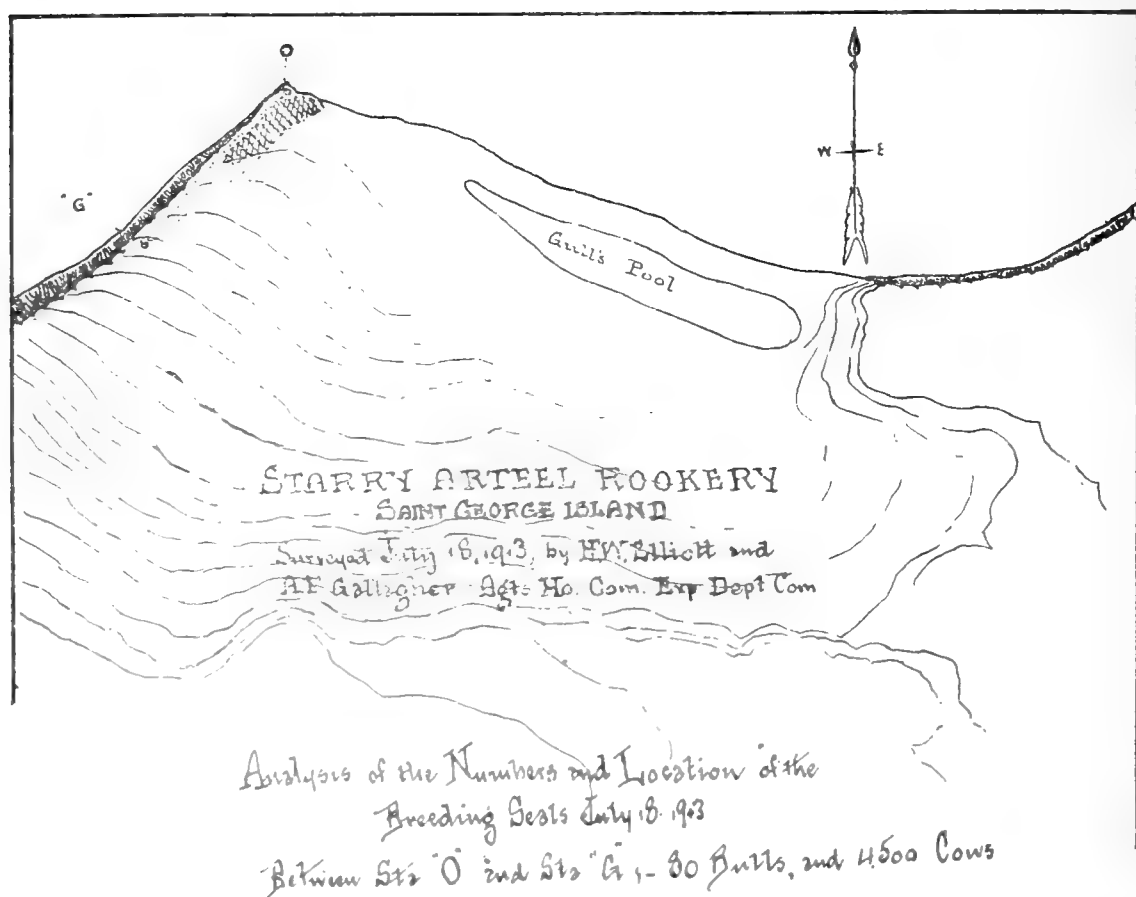
As we approach the sea foot of this rookery, we find a pod of at least 3,000 holluschickie [and on the surf-washed point of Starry Arteel, 400 or 500 more, mostly yearlings]. We find here one solid rookery mass; it is the most perfect of its kind to-day on these rookeries; from the foot of Starry Arteel Hill (of the 1890 survey), it rests on the same lines of 1890, but still within the outer lines half way back between station G and station O. On that area there are about 80 bulls with harems massing in the aggregate at least 4,500 cows. The most encouraging sign seen here is the advanced movement of two young bulls with a cow each, lying just 10 or 15 feet outside of this massed rookery margin; thus they are leading the way for the overflow next year, which most likely will come to that line. As with

<sup>1</sup> The complete disappearance of Zapadnie (St. George) rookery from its chief location and numbers here in 1873 is clearly exposed by this survey of 1913, as given above; and that makes the following description of the same as it was in 1873 of interest (p. 49, H. Doc. No. 175, 54 Cong., 1st sess.):

"Zapadnie rookery (1873-74: its condition and appearance July, 1874): Directly across the island (St. George) from its north shore to Zapadnie Bay, a little over 5 miles from the village, is a point where the southern bluff walls of the island turn north and drop quickly down from their lofty elevation in a succession of heavy terraces to an expanse of rocky flat bordered by a sea sand beach. Just between that sand beach and these terraces, however, is a stretch of some 2,000 feet of low, rocky shingle, which borders the flat country back of it, and upon which the surf breaks free and boldly. Midway between the two points (i. e., bluffs and sand beach) is the rookery, and a small detachment of it rests on the direct slope of the bluff itself to the southward, while in and around the rookery, falling back to some distance, the holluschickie are found."

This complete elimination of Zapadnie rookery July 18, 1913, from its main location between stations A and B, where it had been so well located, to that patch on the bluff as found in 1913 is heightened as to danger by the spectacle presented of some 2,500 cows there now with only 22 bulls to serve them and not a young male seal in sight anywhere.

the other rookeries, barring this exception here, we see the same complete absence of young, virile male life. There is nothing of the kind in view. Had there been the usual proportion, a hundred of these young bulls would be lying outside, all accompanied by a few cows, in every direction along the entire outer line of this fine rookery massing—leading the way for the overflow next year. It is believed by us, however, now, that by letting these creatures alone, as it is proposed to do and as the law directs, within four years this massing



will have overflowed the boundaries of to-day, and will have reached those of 1890. This is the only rookery where this solid massing and steady advance from that massing out, is in actual evidence, and will be an interesting study to observe its increase during the next four years. It is in fine shape to-day for making an accurate comparison with what it shall increase up to within the next four or five years.

To recapitulate: For Starry Arteel rookery,<sup>1</sup> July 18, 1913, we find 80 bulls, 4,500 cows, 4,200 pups. Season of 1890 there were 220 bulls, 8,000 cows, 7,500 pups: season of 1874,<sup>2</sup> 975 bulls, 15,250 cows, 14,250 pups.

<sup>1</sup> This is the place, just to the eastward of Gulls Pool, and on those low slopes of the bluffs which rise there from the sea, where Pribilof pitched his first camp on this island after he discovered it in June, 1786. "Starry Arteel," or "Old Settlement."

<sup>2</sup> Starry Arteel as it was in 1874 (p. 51, H. Doc. No. 175, 54th Cong., 1st sess.):

"This rookery is the next in order and it is the most remarkable one on St. George Island, lying as it does in a bold sweep from the sea up a steeply inclined slope to a point where the bluffs bordering it seaward are over 400 feet high, the seals being just as closely crowded at the summit of this lofty breeding plat as they are at the water's edge. The whole oblong oval on the side hill is covered by their thickly crowded forms. It is a strange sight, also, to sail under these bluffs with a boat in fair weather for a landing, and as you walk the beach over which the cliff wall frowns a sheer 500 feet there, directly over your head, the craning necks and twisting forms of the restless seals ever and anon as you glance upward appear as if ready to launch out and fall below, so closely and boldly do they press to the very edge of the precipice."

## EXHIBIT B.

[The "Carlisle rules" of 1896. Same as "Hitchcock rules" of 1904.]

Specific details of the violation of the "Carlisle rules," ordered May 14, 1896, which prohibit the killing of "yearlings, and seals having skins weighing less than 6 pounds."

Said rules published on the islands and officially recorded June 17 1896.

Said rules were suppressed and withheld from the knowledge of the House Committee on Expenditures in the Department of Commerce and Labor from May 31, 1911, to July 30, 1913, by the United States Bureau of Fisheries.

Said rules were never canceled or amended from 1896 to 1904 by any authority of record and legal. The Hitchcock rules of May 1, 1904, were the same in effect, and were issued by the Secretary of Commerce and Labor, then in ignorance of the fact that the Carlisle rules were actually in effect, but ignored by the United States agents and the officialism in charge of the islands and by the lessees.

## THE CARLISLE RULES.

The regulations of the United States Treasury Department, dated May 14, 1896, ordered the agents of its Government to prevent the killing of "yearlings and seals whose skins weigh less than 6 pounds."

These regulations were violated on the islands that year by those agents of the Government who permitted the lessees to kill more than 8,000 young seals whose skins weighed less than 6 pounds, Dr. David Starr Jordan having taken charge of this killing as the "chief" of the American membership of the Jordan "Joint Anglo-American Commission," ignored these regulations and falsified the record of this illegal killing in his "preliminary report of November 7, 1896," "Treasury Document No. 1913," p. 21. (See Hearing No. 14, pp. 950-951, *postea*.)

The following order of the United States Treasury Department was published on the seal islands June 17, 1896 (see p. 14, United States chief special agent's journal, St. Paul, Island Alaska, under date of June 17, 1896), to wit:

On page 14 (Official record of journal of the chief special agent in charge of the seal islands), this letter is entered by J. B. Crowley, United States special agent, on page 14 (of the "journal" of this office), under date of "Tuesday, June 17, 1896," and before the killing was begun, to wit:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., May 14, 1896.

Mr. J. B. CROWLEY,  
*Special Agent in Charge of the Seal Islands,*  
*Care North American Commercial Co.,*  
*San Francisco, Cal.*

SIR: I inclose herewith for your information copy of a letter dated the 13th instant, addressed by me to the Secretary of the Treasury and approved by him, in relation to the taking of fur seals on the Pribilof Islands and determining the quota of such seals to be allowed the North American Commercial Co. during the season of 1896. You are instructed to permit said company to take on the islands during the season of 1896 all

killable male seals over and above the number which, in your opinion, is sufficient to fertilize the female seals, the number taken not to exceed in any event 30,000 seals. The killing of yearlings and seals whose skins weigh less than six pounds is prohibited.

Respectfully, yours,

C. S. HAMLIN,  
*Acting Secretary.*

True copy:

HENRY W. ELLIOTT.

Attest:

A. F. GALLAGHER.

THE PROOF OF VIOLATION OF THE PUBLISHED REGULATIONS OF THE SECRETARY OF THE TREASURY, BY ITS LESSEES, IN KILLING YEARLING SEALS AND "SEALS HAVING SKINS WEIGHING LESS THAN 6 POUNDS," DATED MAY 14, 1896; SAID REGULATIONS BEING CAREFULLY SUPPRESSED TO THE COMMITTEE BY THE OFFICIALS OF THE BUREAU OF FISHERIES FROM MAY 31, 1911, TO JULY 30, 1912.<sup>1</sup>

The records which show this violation of the department rules and regulations of May 14, 1896, by the lessees up to date of expiration of their lease May 1, 1910, are:

I. Full details of this violation are found in the London sales catalogues of Messrs. C. M. Lampson Sons, for November–December, 1896 to 1909, and by the daily entries made of the killing this season of 1896, and thereafter in the official journal of the United States Treasury agent in charge of the seal islands at St. Pauls village. (See poster.)

II. The fact that these rules prohibiting the killing of "yearlings" and seals having skins weighing less than 6 pounds has been successfully suppressed and concealed by the lessees and their associates, the agents of the Government, is clear when it is known that the Hitchcock rules of May 1, 1904, were issued because it was not known then, to their author that they had been published in 1896, on the islands, and were never cancelled by the department.

On the 27th of July, 1912, Mr. H. W. Elliott testified to the committee as follows (Hearing No. 14, pp. 950, 951):

Dr. D. S. Jordan, with the full cooperation of the Treasury Department in 1896–97, and Commerce and Labor up to 1912, is responsible for the killing of female seals for their skins by the lessees of the seal islands of Alaska. He went up to these islands in 1896 and 1897 and was empowered by the Secretary of the Treasury to fix the number of seals that might be killed for their skins in those seasons, respectively,

<sup>1</sup> COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
Friday, April 19, 1912

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.  
Present: Representatives McDermott, Young, McGuire, and Patton.

#### TESTIMONY OF BARTON W. EVERMANN.

The witness was sworn by the chairman.

The CHAIRMAN. Doctor, you may state your official position.

Dr. EVERMANN. My official position is assistant in charge of the Alaska fisheries service, in the Bureau of Fisheries, Department of Commerce and Labor.

The CHAIRMAN. Now, if you desire, you may proceed to submit whatever facts you have for the consideration of the committee.

Dr. EVERMANN. The second charge is that at least 128,478 yearling male seals were killed by the lessee from 1890 to 1909, both inclusive, contrary to law and the regulations.

In answer to this charge it should be sufficient to say that the law has never made it illegal to kill yearling male seals; nor has it ever been contrary to the regulations to kill yearling male seals, except in the seasons of 1904 and 1905, as is shown by the regulations for the various years to which I have called your attention. Therefore, even if 128,478 yearling male seals have been killed since 1899 (which is not admitted) they could not have been killed illegally, because there was no law against killing yearling male seals, and there has been no regulation against killing yearling male seals except in 1904 to 1909.

and to extend the limit of driving said seals to any time in the said seasons he saw fit.

In 1896 Dr. Jordan reports (Nov. 7, p. 21, Treasury Document No. 1913) "30,000 killable seals were taken, 22,000 of these, to the best of our information, being 3-year-olds."

Not quite 7,500 of that 30,000 were 3-year-old skins; 8,000 of them were 4½ to 5 pound skins or yearlings or "eye plaster" skins.<sup>1</sup>

The driving in 1896 was prosecuted with vigor up to the 28th of July. It was impossible to drive those seals after the 17th of July, as they were found on the islands without driving, adult females and yearlings, males and females, commingled, and it was equally impossible to separate the sexes on the killing grounds before killing them, so a large number of this forbidden class of seals were so killed and their skins sold in London as 2 and 1 year-old males.

Again, in 1897, Dr. Jordan reports (Nov. 1, p. 18, Treasury Document No. 1994): "\* \* \* The quota of the year (20,890) is made up practically of 3-year-old bachelors. Some 2-year-olds are killed and some 4-year-olds, but the majority taken are 3-year-olds."

Not quite 7,000 of the 20,890 were 3-year-olds, and in spite of the most desperate driving, kept up to the 7th of August on St. Paul, and the 11th of August on St. George Island.

The CHAIRMAN. What is the significance of that? I ask because you seem to place so much emphasis upon it.

Mr. ELLIOTT. That is because the "official" killing season is closed on the "1st of August." Have you not heard them say that the "season closed on the 1st of August"?

The CHAIRMAN. What is the harm in killing until the 7th of August?

Mr. ELLIOTT. Because after July 20, annually, you are driving yearlings, and you can not separate the males from the females in that class. That is the reason why they should not kill after the 1st of August, and they "officially" say they do not kill. It was impossible for the lessees to have so driven and failed to have killed adult female mother seals in any one and all of these drives after the 17th of July. They were killed and their skins sold in London as 6-pound or 2-year-old male skins.

They were doing it under my eyes. I saw them doing it, and I stopped them. The lessees refused to take the yearling or "eye-plaster" skins this year, because the price for them in 1896 barely paid expenses. Otherwise the yearling, 4½ to 5 pound skins, would have been taken.

Here we have the official declaration of Dr. Jordan that no yearlings and females were killed in 1896 and 1897, when the killing was all done under his eyes and control.

No Lembkey there, no Bowers there, but Dr. Jordan, the "great naturalist," was there, "branding" seal pups to put the pelagic hunters out of business, and not putting an end to this illegal business on the islands. [Reading:]

"The London sale catalogues of 1896 and 1897 indict and convict Dr. Jordan of making a wholly erroneous and improper report to the Government. It is charitable to assume that he was ignorant of the facts, and did not realize the gravity of his error or its far-reaching and injurious effect.

"Therefore this initial responsibility of naturalists with regard to the matter of driving and killing of yearling male and female seals on the seal islands of Alaska, and as permitted by the Treasury Department and Department of Commerce and Labor since 1896, is authoritatively summed up as follows:

"July 20, 1890. Elliott stopped the work of the lessees on the seal islands to-day; he did so because they were killing mother seals along with 2-year-old males for their skins; they had been doing so since the 17th of July; the lessees claimed that they had not intentionally violated the law, since it was impossible to distinguish the adult females from the 2-year-old male seals in the 'pods' when clubbed; it became imperative to stop the work, therefore, on their own admission.

"November 19, 1890. Elliott describes in his report on page 86 (H. Doc. No. 175, 54th Cong., 1st sess.) with detail the manner in which the seal drives after July 17 sweep up female seals, which are at once hustled into the killings; he sets the date of July 20, annually, as the 'latest day' on which seal driving can be permitted,

NOTE: <sup>1</sup> Dr. Jordan himself knew that the yearling females hauled out with the yearling males, and never on the rookeries with the breeding seals. Yet he shut his eyes deliberately to the violation of the Carlisle Rules of 1896. Observe the following proof of his knowledge as to what the yearling female does: The following official entry is made in the Treasury agent's journal, St. Paul Island, on p. 465, under date of "Saturday, August 1, 1896": "Dr. Jordan, assisted by the natives, drove up three small harems from Garbotch Rookery, and upon investigation found that there were a number of two-year-old virgin cows among them. Pod of 1 and 2 year-old seals was driven from the Reef Rookery and was examined with a view to determining whether or not yearling seals were to be found among these young bachelors. It is now conceded that yearling females do not haul out on the rookeries but among the holluschickie."

without the killing of female seals." (Hearing No. 14, pp. 950-951, July 27, 1912. House Committee on Expenditures in the Department of Commerce and Labor.)

That this law and regulation of the Secretary of the Treasury in 1896 was deliberately violated, as above sworn to, and upon the certified London records, so cited by Mr. Elliott, is clearly shown by the following amazing official entry made by the United States Treasury agents in the journal at St. Paul Island Thursday June 9, 1892, and following, to wit (p. 2):

*Thursday, June 9, 1892.*—Mr. J. Stanley Brown arrived and took the place of Maj. Williams as United States agent in charge of the seal islands.

*Friday, July 8, 1892.*—The entire control and management of the killing grounds and killing of the seals were given to Mr. Fowler, of the N. A. C. Co., by order of Mr. J. Stanley Brown, agent in charge, and Assistant Agent Murray was ordered to count the seals.

Here we find that the agent of the Government deliberately surrenders his sworn duty to the agent of the contractors, so that no check upon their killing can be made or will be made by him or his subordinates as to the ages or the sexes of the seals taken.

When Dr. Jordan came up here in 1896 with those specific orders of the Treasury Department, duly posted by the agent of the Government, as above cited, who was the agent of the lessees?

Mr. J. Stanley Brown,<sup>1</sup> the very man who, in 1892, as the chief special agent of the Government, issued that order surrendering to those lessees all of the Government control of this seal killing.

And he, with the shameful approval of the "scientist" Jordan, to get the 30,000 seals allowed them for that year, violated the law and regulation of May 14, 1896, by taking more than 8,000 yearlings, which are duly recorded as such in the London sales.

This is the same Joseph Stanley Brown who went over to Paris in 1893 as an "expert," with John W. Foster, and the other tools of the lessees—as an "expert" to plead the cause of the United States in behalf of the fur seal of Alaska before the Bering Sea tribunal. The impression which he made upon that tribunal was not lost; that court saw him clearly (as it did Foster), as the thinly disguised agent of the seal contractors or lessees of the seal islands. He pulled off this disguise next year and went up to the islands as their (the lessees') hired superintendent.

That this deliberate violation of the rules of the Treasury Department did not cease, and that these rules were annually violated thereafter, the following sworn testimony was given to the committee May 31, 1911 (Hearing No. 1, p. 10):

Mr. ELLIOTT. Now, gentlemen, I am going to take up the question of what a yearling fur seal is, because upon a distinct, positive understanding of that you alone can act in this business. You can act just as well upon the facts and figures which I lay before you as if you were upon the islands, and I will prove it.

But before doing that, allow me to state that following that memorandum to Senator Burnham I wish to introduce and read the official assertion that yearling male seals were killed for their skins in 1900 and 1901, and the official denial in 1903 that such seals ever were killed for their skins by the lessees of the seal islands—1903 is the year the Senators saw them killed.

The assertion, 1901, report Special Treasury Agent Lembkey—you know him, Mr. Nagel; he is your agent in charge to-day.

<sup>1</sup> In his official report dated St. Paul Island, Nov. 1, 1896, Chief Special Agent I. B. Crowley says: "The killing is entirely directed by the agent of the lessees, who directs the grade of seal to be taken." Thus the order of J. Stanley Brown of July 8, 1892, was acquiesced in by both Crowley and Dr. Jordan.



## THE ASSERTION.

[Report of Special Treasury Agent Lembkey, in charge of seal islands of Alaska, to Secretary of the Treasury, August, 1901.]

The lessees during the season of 1901 took skins ranging from a maximum of 10 pounds to a minimum of 5 pounds. Previous to 1900 the lowest limit of weight was 6 pounds: but a 5-pound limit was established that year, and during the past season as many 5-pound skins as could be found were taken. (Fur Trade Review, New York, Sept. 1, 1901, p. 452.)

Who ordered that "5-pound limit?" Who gave the lessees authority to "establish" that limit in open violation of the specific order not to do it, dated May 14, 1896?

Why, the seal contractors did; they needed no "authority;" they just used the "order" of the "United States chief special agent, J. Stanley Brown," who, as their own tool in 1894 (also to date), and who, with the consent of their other tools in public service, "established" this illegal and improper killing.

All through these official journals of the United States agent's office at St. Paul Island, from 1896 to 1901, there is not one word written which even hints at a "5-pound limit" being "established" in 1900; not a line from the Secretary of the Treasury which alters or amends his order of May 14, 1896; and, up to 1904, these agents of the Government swore to the House Committee on Expenditures in the Department of Commerce and Labor that no rule or regulation of the department had ever been made against their "killing yearlings and seals whose skins weigh less than 6 pounds."

But, this order against the killing of "yearlings and seals having skins weighing less than 6 pounds" has been in effect ever since May 14, 1896, and has been annually violated by the lessees ever since that date up to May 1, 1904, when the Hitchcock rules were published to gain the same end, in ignorance of the fact that they had been ordered by the department years ago, and had been suppressed and violated by the lessees and the United States agents up to that date.

The status of J. Stanley Brown invoked as a defender of the policy of the Bureau of Fisheries, his part, first, as an agent of the Government, in 1892-93, and his action in that office, before he entered the service of the seal contractors, is well set out as follows:

The officialism of the Bureau of Fisheries, when up before the House committee, and testifying as to conduct of the work of killing seals by the lessees under its direction, had the following to say of one of their "scientific" supporters. They introduced him to the committee as follows (Hearing No. 10, p. 519):

Dr. EVERMANN. Within the last 25 years nearly a score of the most distinguished naturalists not only of this country, but of Great Britain, Canada, and Japan have visited our seal islands for the specific purpose of studying the habits of the fur seals and the problems connected with the proper management of the herd. Among these gentlemen I may mention the following:

Mr. Joseph Stanley Brown, of New York, spent the seasons of 1891, 1892, 1894, 1895, 1896, 1897, and 1899 on the seal islands, where, as naturalist and keen business man, he made very thorough study and investigations not only of the habits of the seals, but very valuable study of the economic questions involved.

Why was Stanley Brown never produced by the Bureau. Why has he never been in evidence? Good reasons, and they are found written upon the official journals of the United States Treasury agent's office at the village St. Paul Island, to wit (p. 2):

*St. Paul Island, Thursday, June 9, 1892.*—Mr. J. Stanley Brown arrived and took the place of Maj. Williams, as the United States agent in charge of the seal islands.



*Friday, July 8, 1892.*—The entire control and management of the killing grounds and the killing of all seals were given to Mr. Fowler, of the N. A. C. Co., by order of Mr. J. Stanley Brown, agent in charge, and Assistant Agent Murray was ordered to count the seals.

Here you see the entire control of the killing as it may be done on islands, the selection, the driving, and time, all surrendered by this sworn agent of the Government to the lessees! He actually reduces his office to a cipher and gives the lessees absolute control of the public business with which he is entrusted.

By what authority does Mr. J. Stanley Brown, as the "chief special agent in charge of the seal islands," make this improper order for himself, and his subordinates? He has none; no agent ever had. Yet in 1896, when the lessees faced the specific orders of the Treasury Department of May 14, 1896, this man Brown appears on the scene, as the "superintendent of the N. A. C. Co.," and actually nullifies the same!

When a Democratic administration caused the retirement of Mr. J. Stanley Brown as the United States chief special agent in charge of the seal islands early in 1893 and placed a Democratic agent in his stead (one J. B. Crowley), the lessees at once sent Mr. Brown up and back to look after their interests in their own name for the simple reason that he had proved himself to them as a subservient and trustworthy tool, even when in the service of the Government and as its sworn servant.

He took charge of the lessees' interests on the islands, June 6, 1894, and this man has been either up there ever since as the agent of the lessees down to the expiration of their lease in 1910; or he has been serving the lessees as a "scientist" before and behind the Bureau of Fisheries in Washington, D. C., when not on the islands.<sup>1</sup>

Of course, Dr. Jordan never interfered with Stanley Brown's direction of the killing, after those unpleasant orders of Secretary

<sup>1</sup> That Mr. J. Stanley-Brown was busy with these officials and ready to serve them and his masters, the lessees, up to date of Dec. 16, 1909, is clearly confessed by the Bureau of Fisheries itself in the following letter duly produced July 13, 1911, to wit: Hearing No. 5, p. 226, House Committee on Expenditures in the Department of Commerce and Labor):

Mr. TOWNSEND. Dr. Hornaday, there has been placed in evidence here a letter written by Barton W. Evermann, to the Commissioner of the Bureau of Fisheries, Department of Commerce and Labor. I will read that letter to you:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
Washington, December 16, 1909.

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

Mr. TOWNSEND. Do you know of any effort that was made following this suggestion of the "advisability" of having matters "explained" in New York.

Mr. HORNADAY. I do. I was told by Mr. Madison Grant, chairman of the executive committee of the Zoological Society, that Commissioner Bowers had called upon Prof. Osborne and laid before him copies of the correspondence that had passed between the Secretary of Commerce and Labor and the Campfire Club, with a statement that was in the nature of a protest against what I was doing in the matter, and with a sort of general request that my activity in the matter should be curbed; in fact, as it came to me, "That Hornaday should be suppressed." I do not know that any such language was used by the commissioner, but that was the general impression that came to me.

Carlisle appeared, and were posted June 16, 1896. The understanding must have been perfect between them; for Jordan<sup>1</sup> in his reports of 1896-97, and final work of 1898, gives Mr. Jos. Stanley Brown great "credit" for the "valuable aid rendered to this work of investigation," by the said Brown.

To show the committee indisputably how this work of nullifying these Carlisle rules was done on the islands, immediately after their publication thereon, we have made the following copy of the record of the daily killing by the lessees on the Pribilof Islands during the season of 1896:

Copied from the official entries made in the journal of the United States agent in charge of the Island of St. Paul: These entries show that 30,000 seals were killed in June and July, 1896, and that practically every seal driven was killed to get the quota. In other words, all the seals driven, no matter how large or how small, were killed.

I. This official showing makes it clear that the "Carlisle orders" of May 14, 1896, brought to the islands June 8, 1896, were not obeyed either by the lessees or the Government agents in charge. And this official record also substantiates the London sales records of the sizes of these 30,000 skins as taken, and sold there in 1896.

II. And this record also bears out the natives' sworn statement to Messrs. Elliott and Gallagher, agents of the House Committee, Expenditures Department of Commerce, in St. Paul Village, July 24, 1913, that "not before 1896 did we ever receive orders to kill the small seals; we began first in 1896, to do so," i. e.—"In 1896, we commenced to take the 5-pound skins to the best of our recollection." (See Exhibit E, *postea*.)

Copies of the official entries made by the chief special agent of the seal islands of Alaska in the daily journal of the treasury agent's office, on St. Paul Island, which covers the driving, killing, and taking of 23,842 skins on St. Paul Island and 6,158 on St. George Island during the season of 1896 (total, 30,000):

*Tuesday, June 23, 1896.*—A seal drive was made from the west side of Northeast Point, 1,414 seals were killed. All the skins were accepted. (P. 16.)

*Wednesday, June 24, 1896.*—A seal drive was made from the east side of Northeast Point, 1,408 seals were taken. The skins were all accepted by the lessees. (P. 16.)

*Saturday, June 27, 1896.*—A seal drive was made from Reef, 2,076 seals were killed and their skins were accepted by the lessees, and salted in the village salt house. (P. 17.)

*Monday, June 29, 1896.*—A seal drive was made from English Bay and Tolstoi, 1,398 sealskins were accepted and salted in the village salt house. (P. 17.)

*Thursday, July 2, 1896.*—The drive made from the west side of Northeast Point, 1,374 seals taken and accepted. (P. 17.)

<sup>1</sup> The value of Dr. Jordan's "authority" for this illegal and injurious work on the islands is modestly given to the House Committee by United States Commissioner Bowers as follows (pp. 109-111, Hearing No. 2, House Committee on Expenditures in the Department of Commerce and Labor, June 9, 1911):

Mr. BOWERS. The members of the fur-seal board and of the advisory board, fur-seal service, are as follows:

\* \* \* \* \*

Dr. David Star Jordan, president of Stanford University, who was chairman of the International Fur Seal Commissions of 1896 and 1897, appointed in pursuance of the treaty of February 29, 1892, and whose published report in four volumes is the most comprehensive, thorough, and valuable treatise that has ever been published on all matters pertaining to the fur seal and the seal islands. Dr. Jordan is the most distinguished and best known naturalist in the world.

\* \* \* \* \*

Mr. BOWERS. I had in mind getting the best talent I could; I expected probable criticism.

Mr. TOWNSEND. I am not criticizing you now.

Mr. BOWERS. I endeavored to get the best talent it was possible to get and to act upon their advice in this fur-seal matter.

*Friday, July 3, 1896.*—A seal drive was made from west side of Northeast Point resulting 1,109 skins. Two "road skins" not accepted.<sup>1</sup> (P. 18.)

*Monday, July 6, 1896.*—Seal drive made from Lukannon and Zoltoi sands, 1,535 seals were taken and accepted by the lessees. (P. 18.)

*Tuesday, July 7, 1896.*—A seal drive was made from Zapadnie resulting in 784 seal-skins being accepted by the lessees. (P. 18.)

*Wednesday, July 8, 1896.*—A drive was made from Polavina, 961 skins taken. (P. 18.)

*Friday, July 10, 1896.*—Seal drive from Reef and Zoltoi, 1,271 sealskins being taken. (P. 19.)

*July 11, 1896.*—Jordan arrives, with his party, Thompson, et al. (P. 21.)

*Tuesday, July 14, 1896.*—Seal drive made from east side of Northeast Point; 1,169 seals taken. (P. 22.)

*Wednesday, July 15, 1896.*—Seal drive made from Reef and Zoltoi. The drive and killing was attended by commission and officers off the *Albatross*.<sup>2</sup> (P. 22.)

*Thursday, July 16, 1896.*—Seal drive made from English Bay and Tolstoi; 1,138 killed. (P. 22.)

*Tuesday, July 21, 1896.*—Seal drive made from west side of Northeast Point; 808 seals were taken. (On the 22d, east side driven; 1,047 seals taken.) (P. 23.)

*Thursday, July 23, 1896.*—Seal drive from Half Way Point; 585 seals taken. (P. 23.)

*Saturday, July 25, 1896.*—Seal drive made from Lukannon, Ketavie, Zoltoi, and Reef; 1,630 seals taken. Up to date 5,858 have been taken on St. George Island. (P. 23.)

*Monday, July 27, 1896.*—Seal drive from Middle Hill and Tolstoi; 504 seals were killed, being 112 short of the number required (30,000) to complete the quota. In order to complete the same a drive was made from Lukannon rookery and the 112 seals secured. (P. 24.)

*Sunday, August 23, 1896.*—The *Homer* left at 3:30 p. m.; had on board 30,000 seal-skins; 23,842 from St. Paul and 6,158 from St. George. (P. 473.)

Then we find that in 1897 this taking of the small skins, as above, in 1896 was continued, as the explicit admission is made of that many "5-pound" skins were taken in the following entry, made in this journal, to wit: The United States special agent says:

*Monday, July 5, 1897.*—A drive of seals was made from Reef and Zoltoi with the following results: Killed, 703. \* \* \* Many of those turned off as too large in the early part of the season were killed to-day, and I noticed a desire on the part of the lessees' agent to secure both small and large skins as the seals came along. Many were killed whose skins would weigh 10 pounds and over, while, on the other hand, many were taken whose skins would weigh from 5 pounds to 6½ pounds each.

That this killing by the lessees on the islands was actually without restraint on the part of Lembkey and his official assistants is confessed most unwillingly in the following statement, made September 30, 1909, by Geo. A. Clark in his official report to the Bureau of Fisheries (and which report U. S. Commissioner Bowers suppressed), to wit (pp. 829-866, of Appendix A; House Committee on Expenditures in the Department of Commerce and Labor, June 24, 1911):

(Original report examined by commissioner Oct. 8. Turned over to Mr. Lembkey Oct. 9.)

#### REPORT ON CONDITION OF FUR-SEAL HERD, 1909.

HON. GEORGE M. BOWERS,

*Commissioner of Fisheries, Washington, D. C.*

SIR: I have the honor to submit herewith my detailed report on the condition of the fur-seal herd on the Pribilof Islands, resulting from the investigations of the past summer in accordance with your instructions of May 15, 1909, as follows:

It is on the killing field, however, that the great need of a guiding and controlling hand is shown. In 1896-97 the Government agents ordered the drives.<sup>3</sup> This season

<sup>1</sup> This is the only record of rejection of skins—"Two road skins not accepted." Only two skins missed out of the 30,000 that they killed in 1896, or rather the 23,842 seals killed on St. Pauls Island (6,158 on St. George) during the season of June-July, 1896. A clean sweep.

<sup>2</sup> This is all of the entry.—(H. W. E.)

<sup>3</sup> But Chief Special Agent Crowley says, Nov. 1, 1896, that the lessees have entire control of the killing and selection of seals, in his official report for that year. See p. 78, *antea*.

they have been entirely in the hands of the lessees. The young males set aside for breeding purposes having been marked, the lessees have been free to take what they could get, and this resulted in their taking practically all of the bachelors appearing on the hauling grounds. In the eagerness to see that no possible bachelor escapes, the edges of the rookeries are encroached upon and cows included in the drives. Fifty of them appeared in drives toward the close of this season. A drive that can not be made without including cows should be omitted. A drive which appears on the killing field with 15 to 20 cows in it should be released rather than incur the danger of clubbing any such cow by mistake. There should be some one in charge of the herd with power and discretion to do this.

There has been on the killing grounds since 1900 a constant struggle on the part of the leasing company in the closing years of its concession to get every possible skin from the declining herd. Its work has been aided by a high arbitrary legal quota and by a lowered minimum weight of skin, enabling it to gradually anticipate the quotas of succeeding years by killing younger animals. As a result there has occurred in these years probably the closest killing to which the herd has ever been subjected. Aside from the diminished supply of male life on the breeding grounds in 1904, this is shown in the fact that though the herd has declined two-thirds in size, the quota has never fallen more than one-third in size as compared with that of 1897.

With a declining herd this close killing has not been so important as it would be in the case of an increasing herd. Fewer and fewer bulls have constantly been needed on the breeding grounds. Of the 5,000 bulls occupying harems in 1896, only 1,387 were needed in 1909. A diminished breeding reserve has therefore been possible. But we must consider a reversed condition of things, if pelagic sealing is to be done away with. The herd will then begin to grow. It will require a constantly increasing reserve of breeding males, which must be saved from the killing fields. A leasing company will be just as eager to get all possible skins and will press the product of the hauling grounds, rising all too slowly, to its limit unless restrained.

Respectfully submitted.

GEORGE ARCHIBALD CLARK,  
*Assistant in Charge of Fur-Seal Investigation.*

STANFORD UNIVERSITY, *September 30, 1909.*

This explicit confirmation of the charges which Elliott had made against the work of the lessees and their confederates so disturbed Bowers and the lessees, who were scheming to renew the lease, May 1, 1910, that the following disposition of Clark's report was made, to wit:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, November 17, 1909.*

MR. W. I. LEMBKEY,  
*Bureau of Fisheries, Washington, D. C.*

SIR: Assuming that you have read and carefully considered the fur-seal report recently made by Mr. George A. Clark, who visited the islands during the past summer, I desire that you prepare a statement of your views regarding the report, particularly with reference to such data and conclusions contained therein as do not agree with your understanding of the facts and conditions.

Kindly let me have this statement in form convenient for use at the conference of the advisory board next Tuesday

Respectfully,

GEO. M. BOWERS, *Commissioner.*

Lembkey did his work of "explaining" to that advisory board the errors of Clark's report so well that when it assembled in Bowers's office, November 23, 1909 ("next Tuesday"), the following official and "unanimous recommendation" was made that the lease be renewed:

MR. BOWERS. On November 23, 1909, there was a meeting of the advisory board with the fur-seal board and the Commissioner of Fisheries and Deputy Commissioner of Fisheries (Dr. Hugh M. Smith), at which were present also Mr. Chichester and Mr. George A. Clark. After mature deliberation these gentlemen unanimously agreed upon the following recommendations:

1. It is recommended that the agent in charge, fur-seal service, shall, under the direction of the Secretary of Commerce and Labor, have full power to limit or restrict the killing of fur seals and blue foxes on the Pribilof Islands to any extent necessary and that no specified quota be indicated in the lease.

2. It is recommended that for the present no fur-seal skin weighing more than 8½ pounds or less than 5 pounds shall be taken, and that not more than 95 per cent of the 3-year-old male seals be killed in any one year.

\* \* \* \* \*

Mr. BOWERS. I had in mind getting the best talent I could; I expected probable criticism.

Mr. TOWNSEND. I am not criticizing you now.

Mr. BOWERS. I endeavored to get the best talent it was possible to get and to act upon their advice in this fur-seal matter. (Hearing No. 2, pp. 110, 111, June 9, 1911, House Committee on Expenditures in the Department of Commerce and Labor.)

And still more, it will be observed that Mr. George A. Clark attends this "unanimous" conference, as above recorded, and becomes party willingly to that renewal of the lease and that close killing on the islands. The following official "orders" explain it, perhaps:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
Washington, November 1, 1909.

Mr. GEO. A. CLARK  
*Stanford University, Cal.*

SIR: Your orders of May 7, 1909 (No. 547), are hereby extended to April 1, 1910, and you are instructed to come to Washington for the purpose of explaining and further elucidating your report on the condition of the fur-seal herd based on your observations during the past summer.

You will be allowed a compensation of \$10 for the time so employed and your necessary expenses of travel and subsistence during the performance of such duty, payable from the appropriation "Statistics and methods of the fisheries."

Respectfully,

GEO. M. BOWERS, *Commissioner.*

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### EXHIBIT C.

The *Kate and Anna*—Official records which declare her to have been a pirate sealing schooner around St. Paul Island, in July and August, 1890—Said schooner is the same "just and valid" claimant against Russia which H. H. D. Peirce, as "Third Assistant Secretary of State," and C. H. Townsend, as "sealing expert, U. S. Bureau of Fisheries," put up at The Hague, June-July, 1902, and which puts her in the same class with the *Jas. Hamilton Lewis*, another pirate ship also vouched for by Peirce and Townsend at The Hague, June-July, 1902.

Extracts from the official records which declare the *Kate and Anna* to have been a pirate ship, and not properly vouched for at The Hague by Peirce and Townsend, who presented her as follows:

Mr. PEIRCE. I was requested to act by one George R. Tingle, who was the attorney of record for the owners and crew of the *James Hamilton Lewis*; and in the case of the *C. H. White* and the *Kate and Anna*, the same request was made by James Embry, who was the counsel of record for the *C. H. White* and the *Kate and Anna*. (Hearing No. 12, p. 781, May 29, 1912, House Committee on Expenditures in the Department of Commerce and Labor.)

OFFICIAL RECORDS IN RE THE "KATE AND ANNA"<sup>1</sup> (SEALING SCHOONER)—PROOF THAT SHE WAS A "PIRATE" AROUND ST. PAUL ISLAND, 1890—TAKEN TO THE HAGUE BY PEIRCE AND TOWNSEND IN 1902, AS A "JUST AND VALID CLAIMANT" AGAINST RUSSIA.

In re *Kate and Anna*. Official entry in St. Paul's journal by J. P. Manchester, United States special agent in charge (p. 24):

*August 8, 1890.*—At 11 a. m. U. S. revenue cutter *Rush* in sight at east end of the island after the schooner; 12.30 p. m. she captures schooner about 10 miles east of the village. Good deal of excitement among the people over this, as this schooner has been around and near the island many times this summer. About 7 p. m. Capt. Sheppard came ashore and reported the schooner was *Kate and Anna*, 582 skins.

The "pirate" schooner *Kate and Anna*. Special Agent Jos. Murray enters in St. Paul official journal (p. 275):

*Thursday, September 4, 1890.*—Antone Melovidov telephoned from N. E. P. that the schooner was anchored there and had three boats out with hunters killing seals within half a mile of land.

From Cross Hill he watched them through a glass and counted 10 or 12 shots fired for one seal secured by the hunters.

It was the same schooner that has been around the islands for several weeks and which was overhauled last week and released by the *Rush*. The name of the schooner is the *Kate and Anna*, Capt. Lutzen, of Portland, Oreg.

*Saturday, September 6, 1890.*—Antone is still at N. E. Point and telephoned this morning that the same schooner (*Kate and Anna*) had anchored there last night and is still there to-day. (P. 276.)

*Sunday, September 7, 1890.*—Schooner *Kate and Anna* still at N. E. Point fishing for seals within 1 mile of the shore. Thus far there has not been any attempt made to land. \* \* \* I feel humiliated as I watch the pirates shoot the seals almost within range of the rifle in my own hands. (P. 277.)

*Monday, September 8, 1890.*—Schooner still at N. E. Point. No attempt made to land yet, nor do they need to come ashore for seals so long as they can lower nets down and capture all they can carry off without serious protest by anyone. (P. 277.)

*September 9, 1890.*—Antone Melovidov returned from N. E. Point and reported the departure of the schooner. (P. 278.)

*September 10, 1890.*—Revenue cutter *Bear* anchored here at noon from Oonalashka and several of her officers came ashore for a few hours. \* \* \* The *Bear* weighed anchor and went down to N. E. Point. (P. 278.)

*September 11, 1890.*—The *Bear* is anchored at N. E. Point. (P. 278.)

*September 15, 1890.*—The *Bear* left to-day for St. George and Oonalashka. (P. 281.)

*September 16, 1890.*—The *Bear* returned from St. George this afternoon and anchored at N. E. Point. (P. 281.)

*September 17, 1890.*—Capt. Healy says that he anchored at N. E. Point last night, because he knew a schooner coming to St. Paul would be more apt to anchor there than at any other point around the island. (P. 281.)

*September 18, 1890.*—The *Bear* left N. E. Point last night and we suppose went to Oonalashka. (P. 282.)

In view of this record officially made by agents of our Government, it is interesting to review the testimony given below by other agents of our Government who indorsed this pirate ship, as a proper claimant against Russia, in 1902.

H. H. D. Peirce, under oath, May 29, 1912, tells the House committee that he took the case of the *Kate and Anna* to The Hague as a just and valid one, when the official records of the Treasury Department declared her in 1890 to have been a pirate and then busy raiding the seals near our own islands (less than one-half mile from shore).

<sup>1</sup> This is one of the four vessels handled by those public agents (Peirce and Townsend), viz, *Jas. Hamilton Lewis*, the *C. H. White*, the *Kate and Anna*, and the whaling barque *Cape Horn Pigeon*, the *Lewis* being a notorious pirate owned by Liebes, lessee, seal islands.



[Hearing No. 12, p. 780, May 29, 1912, House Committee on Expenditures in the Department of Commerce and Labor.]

The CHAIRMAN. Did you represent anybody before The Hague tribunal in the dispute with reference to the *James Hamilton Lewis* case?

Mr. PEIRCE. I did, sir. I represented the owners, officers, and crew of the *Cape Horn Pigeon*, an American whaling vessel, arrested in the Sea of Okhotsk; the *James Hamilton Lewis*, an American sealing vessel, arrested in the Bering Sea; the *C. H. White*, an American sealing vessel, arrested in the Bering Sea; and the *Kate and Anna*, another sealing vessel, also arrested in the Bering Sea; and subsequently I was appointed, as a matter of formality, in order to give me a status in the court, nominal counsel for the Government in the arbitration.

The CHAIRMAN. First of all, how did you happen to be employed to represent these various interests before The Hague tribunal?

Mr. PEIRCE. As secretary of legation I had become very familiar with all of the cases, for the Government had repeatedly instructed the legation to urge upon the Russian Government the settlement of these claims, and so I had become very familiar with them. They commenced in the year 1892, if my memory serves me aright, and I was appointed in 1894, and then, after the cases had been brought to an agreement to arbitrate by Ambassador Tower's convention, which, owing to his absence, I signed, the attorneys for the *Cape Horn Pigeon* and the *James Hamilton Lewis* and subsequently the *C. H. White* and the *Kate and Anna*, requested the Secretary of State to permit me to act as counsel and requested me to so act.

C. H. Townsend, as an "expert" of the United States Bureau of Fisheries, aided him.

[Hearing No. 12, p. 783, May 29, 1912.]

The CHAIRMAN. You finally settled. You may tell the committee what your compensation was, if you will.

Mr. PEIRCE. Certainly. My compensation in the case of the *C. H. White* and I think also the *Kate and Anna*—I am not sure of that—no; my compensation in the case of the *C. H. White*, for which I recovered an award of \$52,000, was \$5,000, less my counsel fees, which amounted to \$1,000. I received \$4,000.

The CHAIRMAN. Did anybody else receive any compensation?

Mr. PEIRCE. I do not know. I presume James Embry got a large compensation, but I do not know.

The CHAIRMAN. Who went with you to The Hague Tribunal?

Mr. PEIRCE. Mr. Townsend. I forget his initials.

The CHAIRMAN. Charles Townsend.

Mr. PEIRCE. He had been employed, I think, by the Treasury Department when the care of the seal herd was under the Treasury Department.

The CHAIRMAN. He was sent with you as an expert?

Mr. PEIRCE. As an expert.

The CHAIRMAN. To assist you in presenting the case?

Mr. PEIRCE. Yes, sir; as a witness.

The CHAIRMAN. Did he receive any compensation?

Mr. PEIRCE. That I do not know. He received, if my recollection serves me aright, his traveling expenses, which I think I paid to him, to be refunded out of the award.

[Hearing No. 12, p. 788, May 24, 1912, House Committee on Expenditures in the Department of Commerce and Labor.]

Mr. MADDEN. The question is whether Mr. Townsend is in a position to know the facts.

The CHAIRMAN. I thought he was, because he was with Mr. Peirce at The Hague Tribunal. Were you in the employ of the Government at that time, Dr. Townsend?

Dr. TOWNSEND. I was in the employ of the Fish Commission, and was transferred temporarily to the State Department.

The CHAIRMAN. I do not want him to make a statement that he can not substantiate, but I would like to know now, Dr. Townsend, in what capacity you were at The Hague Tribunal in this matter?

Dr. TOWNSEND. In the progress of the work before The Hague Tribunal it became necessary for the Secretary to produce information on various sealing matters, such as the movements of sealing vessels. I carried along with me a trunk full of log books of sealing vessels. We would have before us the charges made by the Russian representative during the day, and we would work all night preparing something to refute the charges. I carried the log books that had been taken from the vessels.



## EXHIBIT D.

The condition of the natives' houses, and natives on St. Georges and St. Pauls Islands. Season of 1913. Inspected July 17-22, by Henry W. Elliott, Andrew F. Gallagher, agents of the House Committee on Expenditures in the Department of Commerce.

THE CONDITION OF THE HOUSES OF THE NATIVES OF THE SEAL ISLANDS, IN THE VILLAGES OF ST. GEORGE AND ST. PAUL, JULY 17-22, 1913.

During the progress of the testimony given to the House Committee on Expenditures in the Department of Commerce and Labor (hearing No. 3, pp. 144, 145, 146, and 162) the question below was raised and answered (House Committee on Expenditures in the Department of Commerce and Labor):

The CHAIRMAN. One moment, please; I will ask you some questions, and then you can make your statement. I had information that was gathered from the correspondence and the terms of the lease under which the Commercial Co. operated, that on June 30, 1910, there was paid out by the Government \$23,960 for houses for the natives up there, and if my conclusions are correct the lessees should have paid that instead of the Government. What do you know about that?

Mr. ELLIOTT. Your conclusions are correct. These houses belonged to the natives when the old lease expired; then when the new lease was invited the condition was imposed by the Secretary of the Treasury that whoever got that lease should do as much for the natives as the old lessees had done; that is, they should house these people, put them into the dwellings, and pay for it themselves. The North American Commercial Co. by the terms of its lease entered into that covenant with the United States on March 12, 1890, and agreed to do as much for the natives as the old lessees had done: they had to give them these houses free from any recourse on the United States as part of the obligation of their own in getting the lease.

The CHAIRMAN. Then I understand that the natives are entitled to the houses?

Mr. ELLIOTT. Yes, sir; the houses were given to them in 1878 and 1880.

The CHAIRMAN. I am more particularly interested in the question of this payment of the sum of \$23,960.

Mr. ELLIOTT. The North American Co. assumed that obligation for the old lessees. The old lessees never entered into that obligation with the United States; that was a matter of their own gift to the natives in 1872 and 1874-1878.

The CHAIRMAN. But the Government appears to have paid it in the end?

Mr. ELLIOTT. The Government bought nothing, either from the old lessees or the new lessees; but the new lessees were obligated to buy these houses or else build new ones and to turn them over free from any recourse on the United States Government; that is, to give them to these natives.

Mr. YOUNG. The lease was made on the 1st of May, 1890?

Mr. ELLIOTT. Yes, sir; but the preliminaries were agreed upon on March 12, 1890.

Mr. YOUNG. This seems to be the language of the contract:

"That it will also furnish the said inhabitants a sufficient number of comfortable dwellings in which said native inhabitants may reside, and will keep said dwellings in proper repair, and will also provide and keep in repair such suitable schoolhouses as may be necessary, and will establish and maintain during eight months of each year proper schools for the education of the children of said islands. \* \* \* All of which foregoing agreement will be done and performed by the said company free of all costs and charges to said native inhabitants of said islands or to the United States."

Now, is not that lease subject to this construction: That while the lease was in operation it was the duty of these lessees to furnish and repair these houses for the natives, but at the termination of that lease, is it not a fact that the houses built by these lessees became their own property?

Mr. ELLIOTT. No, sir; because in 1872 and 1874 the first of these houses was voluntarily built and given to these natives by the old lessees. By 1881 they were all housed free of any charge by the old lessees, as a gift to them in which the Government had nothing to do, either of suggestion or action. That agreement between the old lessees and the natives as to these houses was not thought of at the time that that

lease was granted; but when they came to renew the lease the old lessees put up the plea that the lease ought to go to them, because they had gone into this thing voluntarily and furnished the houses as a gift to the natives, and that that ought to be considered in their favor. Therefore, when the new bidding was invited, the new bidders had to bid to do just as much voluntarily, without any recourse on the United States, as the old bidders had done. Therefore, the new lessees bid to do exactly what that lease calls for; that is, to furnish these houses free, just as the old lessees had furnished them, without any recourse on the United States.

Mr. YOUNG. This contract between these lessees and the Government has no provision as to where the title to these houses shall go after the expiration of this lease. Then, the question with me is, to whom do these buildings belong?

Mr. ELLIOTT. They belong to the natives, but you can not give them title, because the houses are on a Government reservation. The new company had to buy them from the old company or else build new ones. This was a gift by the old company not thought of at the time their lease was granted. It was their own voluntary gift. This was officially reported on in the Monograph on the Seal Islands, published by the Tenth Census, in 1880. You will find it on page 24.

Mr. YOUNG. What was the amount the new company paid to the old company?

Mr. ELLIOTT. Something like the amount you have mentioned.

Mr. YOUNG. \$23,960?

Mr. ELLIOTT. Yes, sir. The old company had to give up that lease, but the new company had to assume every obligation that the old company had incurred, and this obligation of \$23,960 they assumed without recourse on the United States.

The CHAIRMAN. Do we understand you to say that the Government paid this amount when, in fact, the old lessees were liable to pay it?

Mr. ELLIOTT. Yes, sir; and they did pay it.

Mr. MCGILICUDDY. How would the old company be liable for it after the lease was canceled and the Government assumed the business itself?

Mr. ELLIOTT. The old company passed away with the first lease, of course, but the obligation of the old company was assumed by the new one.

Mr. MCGILICUDDY. But they would not be under any obligation to house the natives after the lease was canceled?

Mr. ELLIOTT. But before they got the lease they had to assume that obligation of the old company.

Mr. MCGILICUDDY. You mean that the last company assumed it?

Mr. ELLIOTT. Yes, sir.

Mr. MCGILICUDDY. Under the terms of that first lease, the lessees would not be liable to house any of the natives after the lease expired?

Mr. ELLIOTT. They were not liable before the expiration, but they volunteered to do so and did so.

Mr. MCGILICUDDY. But this \$23,960 was paid out after the cancellation?

Mr. ELLIOTT. But that was a part of the terms or conditions under which they secured the lease. Before they canceled the lease they had to assume this obligation of the old company.

Mr. MCGILICUDDY. But there was no obligation to build houses after the lease expired?

Mr. ELLIOTT. No; they were, nevertheless, obligated to take the same stand that the old company took and they agreed to assume all of the obligations of the old company.

Mr. MCGILICUDDY. I can not see how the lessees would be liable for the housing of any of the natives after the lease was canceled.

Mr. ELLIOTT. They are not liable; but these houses have belonged to the natives since 1873 and 1874-1878.

Mr. BOWERS. Who built them?

Mr. ELLIOTT. The old company.

Mr. BOWERS. Who bought them from the old company?

Mr. ELLIOTT. The new company.

The CHAIRMAN. Do I understand you to say that when the new company got the lease there was a condition imposed that they would pay for these houses?

Mr. ELLIOTT. Certainly; to either pay for the old company's houses or build new ones without recourse on the United States Government.

The CHAIRMAN. And that is the way the proposition stands?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. Here are some papers relating to this subject. I do not know whether they should be put in the record, but that matter can be considered later by the committee. Please examine this paper and identify it.

Mr. ELLIOTT. That is the official list of the natives' houses.

Mr. YOUNG. I was somewhat confused by this list of houses for the natives. The law on the subject is contained in section 9 of the act approved April 21, 1910, which reads as follows:

"SEC. 9. That the Secretary of Commerce and Labor shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of this act and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation; he shall likewise have authority to purchase from the present lessee of the right to take seals on the islands of Saint Paul and Saint George, at a fair valuation to be agreed upon, the warehouses, salt houses, boats, launches, lighters, horses, mules, wagons, and other property of the said lessee on the islands of Saint Paul and Saint George, including the dwellings of the natives of said islands; he shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection."

I believe that ought to be inserted in the record in connection with what we have gone over.

The CHAIRMAN. I understood from Mr. Elliott's statement that it was his theory that the buildings had to be accounted for by the lessees and should not have been purchased by the Government.

Mr. ELLIOTT. Certainly; they do not come into the "plant" at all.

The CHAIRMAN. So that I think perhaps it is well enough to have that in.

Mr. ELLIOTT. The native dwellings that belong to the "plant" should be purchased.

The terms of this lease which bound the lessees to furnish these native houses to the natives free of all cost to the United States, and also keep them in repair during the period of the lease free of all cost either to natives or the United States, are found as follows in the body of the contract signed March 12, 1890, to wit (see p. 467, Hearing No. 10, House Committee on Expenditures of the Department of Commerce and Labor):

That it will also furnish to the said inhabitants 80 tons of coal annually, and a sufficient number of comfortable dwellings in which said native inhabitants may reside; and will keep said dwellings in proper repair; and will also provide and keep in repair such suitable schoolhouses as may be necessary; and will establish and maintain during eight months of each year proper schools for the education of the children on said islands, the same to be taught by competent teachers who shall be paid by the company a fair compensation, all to the satisfaction of the Secretary of the Treasury; and will also provide and maintain a suitable house for religious worship; and will also provide a competent physician or physicians and necessary and proper medicines and medical supplies; and will also provide the necessities of life for the widows and orphans and aged and infirm inhabitants of said islands who are unable to provide for themselves: all of which foregoing agreements will be done and performed by the said company free of all costs and charges to said native inhabitants of said islands or to the United States.

There is no ambiguity in this clear specific obligation of the lessees to furnish these native houses to the natives free of all cost at any time to the Government of the United States or to the natives themselves. That payment to them, by Secretary Nagel, of \$24,000 for those houses, is not warranted and should be recovered.

In the first place, these houses are small wooden one-story frame structures, 20 by 10, on the sills, and no attic, with an outer shed or "calle dore" over the entrance: the entire cost, when first built by the Alaska Commercial Co. in 1876 (and then given by that lessee to the natives), was between \$210 and \$225 per dwelling.

They have been well painted and kept in tolerably good shape year after year by the lessees, up to the close of their lease, May 1, 1910, then by the Government up to date, as the following inspection will attest:

They all have one living room 10 by 10, and a bed room 8 by 10, with that outside shed or "hall" ("callidore"). There is a little variation only in this place, by the fashion of attaching this callidore to the main building: some bringing it out flush, to the front line of the house, others setting it back; some have widened it more, and so on; the average callidore is 5 by 14 feet.

These dwellings are too small for those natives who have several children, since they allow of only one small 8 by 10 bedroom, that compels them to sleep crowded, and often badly crowded, into these small rooms.



*(Type of Native House).*

Nevertheless, these people when asked by us made no complaint of being insufficiently fed and clothed or warmed by the Government under existing orders and regulations. The annual sum allowed them for food, clothing, and fuel should not be less than \$35,000, which is a fair amount for that end. They should not be reduced

from that sum, for the annual maintenance of 302 souls up here, in a very simple life, requires it.

#### INSPECTION OF HOUSES ON ST. PAUL ISLAND, TUESDAY, JULY 22, 1913.

This inspection was made by Messrs. Elliott and Gallagher, agents House Committee on Expenditures in the Department of Commerce, accompanied by Nicoli Kuzlof, interpreter.

*House No. 1.*—Government warehouse.

*House No. 2, Jacob Kochutin.*—Tenant in Unalaska. Outwardly this house appears to be all right.

*House No. 3, Dorofai Stepetin.*—House in good condition. Husband in Unalaska working.

*House No. 4, Vassilisa Peeshnikov, widow.*—Floor of colidor needs repairs. Balance of house in good condition.

*House No. 5, Simeon Nozikov.*—House in good condition.

*House No. 6, John Merculiev.*—Floors repaired last winter. House in good condition.

*House No. 7, John Fratis.*—House in good condition.

*House No. 8.*—Government house, not occupied.

*House No. 9, Mary Emanof, widow.*—Tenant not in; door locked.

*House No. 10, Alexander Galateanof.*—Roof leaks. Floors all right. Tenant claims his house is too small.

*House No. 11, Paul Merculiev.*—Tenant on watch. House locked. Nobody home.

*House No. 12, Appolon Bordokufsky.*—Tenant in Unalaska working. House locked. House looks all right from outside.

*House No. 13, Neil Oostigof.*—Tenant in Unalaska working. House looks all right from outside.

*House No. 14, John Meseekin.*—House in good condition.

*House No. 15.*—This house is a native's shop and club house.

*House No. 16, Eleta Bogdanof, widow.*—House in good condition.

*House No. 17, Mokenty Seedick.*—Floor is rotting. Otherwise the house is all right.

*House No. 18, Nicoli Kuzlof.*—House in good condition. The colidor leaks somewhat.

*House No. 19, Stephan Rukovisnikof.*—Roof bad and leaks. Everything else all right.

*House No. 20, George Shaishnikov.*—Door locked. Tenant absent, in Unalaska.

*House No. 21, Mike Kushin.*—House in good condition.

*House No. 22, Mike Kuzlov.*—Roof leaks. Floor all right. Otherwise house all right.

*House No. 23, John Krukoff.*—House in good condition.

*House No. 24, George Korchugin.*—Roof leaks. Floor all right. Otherwise house in good condition.

*House No. 25, Elari Stepetin.*—Roof leaks. Floor all right. Otherwise in good condition.

*House No. 26, Vlass Pankof.*—Roof leaks. Floor bad.

*House No. 27, Nikita Hapov.*—Roof leaks, floor bad, and sills rotting.

*House No. 28, Theodore Seedick.*—House in good condition.

*House No. 29, Oleana Gromov, widow.*—House in good condition.

*House No. 30, Matroona Balaxine, widow.*—House in good condition.

*House No. 31, Paul Mercuriev.*—House in good condition.

*House No. 32, John Stepetin.*—Hall floors are rotten. Roof is all right and house in good condition otherwise.

*House No. 48.*—Government laboratory.

*House No. 47, John Kachootin.*—Sills of floors are rotten surrounding the house. Roof is all right. Otherwise the house is in good condition.

*House No. 46, Metrofan Krukov.*—Roof leaks. Floors all right. Otherwise house in good condition.

*House No. 45, Katrina Krukov, widow.*—Tenant in Unalaska, but the son says the floor is bad. The roof is all right and otherwise the house is in good condition.

*House No. 44, Parascovia Kozlof, widow.*—Roof bad, otherwise the house is in good condition.

*House No. 43, Carp Buterin.*—House in good condition.

*House No. 42, Paul Kozmivnikof.*—Roof and floors bad.

*House No. 41, Peter Oostigov.*—House in good condition.

*House No. 40, Zenovia Kochootin, spinster.*—Floors bad, but roof all right. Otherwise house in good condition.

*House No. 39, Alexander Melovidov.*—House in good condition.

*House No. 55, Peter Tietov.*—This is the best house in the village. House in very good condition.

*House No. 54, Neetor Kushin.*—Roof leaks. Floor is all right.

*House No. 53.*—An empty house, in very bad condition; simply a shack, out of repair.

*House No. 52, Porfiri Pankof.*—House in good condition.

*House No. 51, Zachar Tietof.*—Floors are bad.

*House No. 50, Constantine Booterim.*—Roof is bad.

*House No. 38.*—An abandoned house. Rotting sills; roof gone, merely a shack.

*House No. 37, Conrad Krukof.*—Roof is bad, floors all right. Otherwise house in good condition.

*House No. 36, Ivanlie Kozerof.*—Roof bad, floors bad, and sills rotten.

*House No. 35, Neon Tietof.*—House in good condition.

*House No. 34, Trefan Kochootin.*—Tenant in Unalaska. House locked. From outward examination it appears to be in good condition. Natives have a bowling alley between houses 34 and 33.

*House No. 33, Theodore Kochootin.*—House in good condition.

*House No. 56, Acolena Tratis, widow.*—Needs shingling. Otherwise house in good condition. Natives have a library and billard room, which they constructed and hold in their own name, and also a town or public hall, in which they hold meetings, dances, and work on their boats, etc.

*Recapitulation.*—July 1–30, 1913. St. Paul's village. There are 50 families living in these houses with 196 souls, men, women, and children. There are 24 families living in the houses on St. George Island, with 106 souls, thus showing a native population of the Seal Islands on July 1, 1913, of 302 souls.

They are the same people, and living just as they were, in 1890, and as fully described in House Document 175, Fifty-fourth Congress, first session, pages 109–127.

#### INSPECTION OF HOUSES ON ST. GEORGE ISLAND, THURSDAY AFTERNOON, JULY 17, 1913.

This inspection was made by Messrs Elliott and Gallagher, agents House Committee Department of Commerce, accompanied by Messrs. Procter and Hatton, and Drs. Mills and Murphy, agents of Bureau of Fisheries.

*House No. 1, Demetri Lestenkov.*—Some repairs should be made to sills. Sills rotten and should be replaced.

*House No. 10, Alexander Galanin.*—Mr. Procter states from his own knowledge that this is one of the houses on which the roofs were repaired, resingled, and resheathed.

*House No. 9, Anatoli Lekanoff.*—House in good condition.

*House No. 2.*—Unoccupied, but in good condition.

*House No. 7, Demetri Philomonoff.*—House in good condition.

*House No. 3, Andronic Philomonoff.*—Made repairs under the floor of calidor, last fall, 1912. This house is in fair repair.

*House No. 6, Stepan Lekanoff.*—Addition put on house about five years ago. House is in very fair condition and repairs slight.

*House No. 4, John Galanin.*—House in good condition.

*House No. 5, Nicoli Merculioff.*—House in good condition.

*House No. 12, Mike Shane.*—House in good condition.

*House No. 13, Peter Prokopiof.*—With the exception of sill, which is rotting, the house is in good condition.

*House No. 14, Simeon Philimonoff.*—House is in good condition except roof on calidor leaks.



*House No. 15, Paul Swetzof.*—House is in good condition, but needs slight repairs.

*House No. 16, Ripsimian and Wassa Malavansky (widows).*—House in good condition.

*House No. 17, Mike Lestemkof.*—House in good condition.

*House No. 18, Nicoli Malavansky.*—Needs slight repairs to sills. Otherwise in good repair and well kept.

*House No. 19, Isidor Nederazof.*—House in good condition.

*House No. 20, Alexander Merculioff and Zoya Swetzof.*—Both portions of house in good condition.

*House No. 21, John Merculioff.*—House needs to be shingled. Floor all right, except under calidor needing slight repairs. Otherwise in good condition.

*House No. 22, Joseph Merculioff.*—House in good condition.

*House No. 23, George Merculioff.*—House in good condition.

*House No. 11, Emanuel Zacharoff.*—House in good condition.

*Recapitulation.*—Twenty-four families, 106 souls, live in these houses as above; July 17, 1913.

## EXHIBIT E.

Original signed copy of the testimony of the native sealers on St. Paul Island as to the conduct of sealing by the lessees under the direction of the United States agents since 1890 to date; said testimony being signed by them after it was read from the typed pages to them in Aleut, by the interpreter, George Kochergin, July 25, 1913, and original notes of a public meeting held by the natives, in the town hall of St. Paul Island, Wednesday evening, July 23, 1913, 8-10 p. m., regarding the conduct of the sealing and condition of the seal herd, etc.

Original signed copy.]

### QUESTIONS ADDRESSED TO, AND ANSWERED BY, NATIVE SEALERS IN THE MATTER OF SEAL KILLING.

#### NATIVES' TOWN HALL,

*St. Paul Island, Alaska, Thursday, July 24, 1913—8-10 p. m.*

Present: Messrs. Henry W. Elliott and A. F. Gallagher, agents of Committee on Expenditures in Department of Commerce, House of Representatives, who called this meeting for this evening.

The following natives were also present: Carp Bouterin, age 60; Peter Oustigof, age 48; Nenn Tetoff, age 43; Porfirio Pankoff, age 50; Peter Tetoff, age 48; Fedosay Sedick, age 67; Elary Stepetin, age 46; Alexander Galaktionof, age 39; and Nicholai Kozloff, age 25; George Kochergin acted as interpreter.

The following questions were put to the natives, through the interpreter, who, in turn, made the following answers on behalf of the natives:

Q. Do you remember the work of killing of seals in 1890, when Mr. Elliott tallied it on this island?—A. Yes.

Q. Were you a sealer then?—A. Yes.

Q. Do you remember how all the small seals were turned away and not taken until the last two days of that season's work?—A. Yes; we remember.



Q. When, after this year, 1890, did you get orders to kill those small seals—to kill all of them that came in the drives?—A. In 1896 we commenced to take the 5-pound skins, to the best of our recollection.

Q. Who directed this work of killing the small seals (molodets) on the killing grounds?—A. We do not remember; but J. Stanley Brown was the company's agent at that time.

Q. Did the Government agents object?—A. We do not remember.

Q. Did the Government agents supervise and tally this killing of small seals at any time from 1894 to 1904?—A. Yes.

Q. When the small seals were ordered killed how much blubber was taken with the skins?—A. We got orders to leave some blubber on those skins, and they still have it at this time.

Q. Did you drive and kill seals last summer?—A. Yes.

Q. How large were they?—A. We killed them by ages as we had killed them before. Mr. Lembkey was the Government agent and Mr. George A. Clark was counting the seals. When we were salting skins last year Mr. Clark did not allow us to stretch the skins, as we always have done and do when spreading them in the kench as we salt them. We stretch them out about 2 or 3 inches as we spread them, then put salt on them, and then they shrink back into their natural shape.

Q. How many food seals did you kill last year?—A. Their skins are in the salt house. We do not remember the exact number.

Q. Have you ever driven "holluschickie" (bachelors) from the "laas butschie" (rookeries)?—A. Carp Booterin says he has not been out for a drive for a long time, but Neon Tetoff says that he went out to drive the seals after Carp's time, and the seals are going close to the cows, because they are getting small.

Q. Did you use whistles to start them out?—A. We used to use whistles, but not lately.

Q. How often have you driven them from the rookeries in this manner?—A. We stopped using whistles about 20 years ago, but we do not know exactly.

Q. Have you ever reported the killing of female seals to the Government agents?—A. When we clubbed the seals we would tell the Government agent, and then the Government agent would tell us to be careful about the cows and not club them.

Q. If so, what did they say?—A. "Be careful and not hit them on the face; not hit the cows." If there were any cows in the pod we used to let them go if we knew it.

Q. Do you remember when the Senators (Dillingham, Nelson, Burnham, and Patterson) came here in 1903?—A. Yes.

Q. Were you one of the natives that killed seals for them, to see how you did it?—A. We were all there.

Q. Where did you drive those seals from that (August 3) morning, for this killing to show the Senators?—A. From the reef. We started to kill seals at 5 o'clock in the morning, but we do not remember the time when we had the drive from the reef.

Q. Who directed the work?—A. The Government agents and the company agents. The Government agents were Mr. Lembkey and Mr. Judge, and the company's agents were Mr. Ridpath and Mr. Allis.

Q. After Senator Nelson found three female carcasses which your party had killed, did you look for any more?—A. We did not watch for it. We did not pay attention to it.

Q. Did the Government agents?—A. We do not know what the Government agents did.

Q. Have you ever seen a Government agent, since 1890, look over the killing grounds for female carcasses?—A. The Government agent has looked for carcasses, as he gave us instructions not to kill the females. At this time, too, we are all looking for them.

Q. Have you ever seen a Government agent examine them?—A. Yes. Carp Booterin saw them lift them up and examine them. The agent goes through the carcasses and looks for the cows, and when he finds a cow he examines it to make sure of it, and when he finds it is a cow he gives orders to look out for the cows.

Q. When you club a seal or when you skin one, do you know how old it is?—A. We all know it.

Q. Do you ever speak to your fellow workmen about these matters when the day's work is over, as to sizes, ages, numbers, etc., of the seals killed and skinned?—A. Carp Booterin says he used to talk with the other men, but now he has been turning it over to a younger man. The others all say they talk it over.

Q. When the "green" or fresh skins are put in salt and then bundled for shipment, are those bundles heavier after salting or lighter?—A. The bundles of skins get heavier, because the salt is inside.

Q. Do those "green" skins ever shrink 4 or 5 or 6 or 8 inches during those four or five days that they harden in salt while in the kenches?—A. Yes; they shrink. When we salt the skins we stretch the skins, and while in the salt they shrink again, about 2 or 3 or 4 inches.

Q. After they come out of the kench to be bundled and while bundling, do they shrink any more?—A. Some of them shrink after they are taken out of the kench and booked, if they are put in the air. Otherwise they do not. Only where the salt does not catch the skin do they shrink. If they salt all right the skin does not shrink.

NATIVES' TOWN HALL,  
*St. Paul Village, Friday, 5.30 p. m., July 25, 1913.*

These questions have all been read to us, by Geo. Korchugin, in Aleut, and our answers to them in turn, in Aleut, from this paper, which we sign below, as being our own voice and correct in every particular, to the best of our knowledge and belief.

KARP BUTERIN,  
ELARY STEPETIN,  
PORFIRIO PANKOFF,  
NICHOLAI KOZLOFF,  
PETER ONSTIGOF,

ALEX. GALAKTIONOF,  
PETER TETOFF,  
FEDOSAY (his x mark) SEDICK,  
NEON TETOFF.

ST. PAUL ISLAND, ALASKA,  
*Village of St. Paul, Town Hall, Friday, July 25, 1913.*

The signatures, as above, were all affixed to this paper by the signers, in our presence, after the foregoing questions and answers had been read to these men in Aleut by George Kocherin, from this original typed copy.

Attest:

HENRY W. ELLIOTT.  
A. F. GALLAGHER.

NOTE.—Confirmatory of the natives' account as before given, that the lessees, after turning away the "small seals" in 1890, began in 1896 to take them all as they drove, is the following order of the Secretary of the Treasury, entered in the Treasury Agent's Journal, St. Paul Island, Wednesday, June 17, 1896, p. 14, to wit. This order prevented the lessees then from taking yearling seals. It reads:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, D. C., May 14, 1896.*

Mr. J. B. CROWLEY,  
*Special Agent in Charge of the Seal Islands.*

SIR: I inclose herewith for your information copy of a letter dated the 13th instant, addressed by me to the Secretary of the Treasury, and approved by him, in regard to the taking of fur seals on the Pribilof Islands. \* \* \* The killing of yearlings and seals whose skins weigh less than 6 pounds is prohibited.

Respectfully, yours,

C. S. HAMLIN,  
*Acting Secretary.*

This is the same Mr. Hamlin who, as Assistant Secretary of the Treasury, landed on St. Paul Island August 3, 1894, and became aware of the distinction then as drawn against killing yearlings. He issues this order in 1896, having been informed that the lessees had resolved to get them if they could not fill out their annual quota of 30,000 seals as allowed them in 1896. This order stopping the taking of small seals by placing the limit at 6 pounds shut out all the yearlings completely, and beyond the power of the lessees' agent to conceal that taking, if he attempted to do so. It shut out the "long yearlings" and the "short" 2-year-olds also. In spite of this order, Dr. Jordan allowed the lessees to kill and take over 8,000 yearlings in 1896.

By some official manipulation the lessees in 1900 were permitted to take "every 5-pound skin that could be found," or every yearling that hauled unless a "runt" and worthless.

This was checked in 1904, May 1, by the "Hitchcock rules," which have not been entered on the official log here, and which have been steadily nullified ever since they were published up to the end of the lessees' killing under their lease, May 1, 1910.

H. W. E.  
A. F. G.

TRANSCRIPT OF STENOGRAPHIC NOTES MADE OF  
NATIVES' STATEMENTS AT A PUBLIC MEETING  
IN THE VILLAGE HALL, ST. PAUL VILLAGE,  
*St. Paul Island, Alaska, July 23, 1913—8 p. m.*

Thirty-four of the natives were present at this meeting.

STATEMENT MADE TO THE NATIVES BY MR. ELLIOTT:

Natives and people of St. Paul Island: We have called you to meet us to-night. We have been sent up to these islands by a committee of the United States House of Representatives, charged with the duty of looking into the condition of the seal rookeries, and all other public affairs here, connected with the sealing business.

We are soon to return to Washington, and report to that committee the findings of fact as we shall get them.

We want to hear your answers to several questions which we will ask you to make this evening, and we intend to have those answers given to the committee just as you shall give them to us.

(The following questions were asked of the natives at this public meeting in regard to the past condition of the seal herds, and the following replies were given by the natives, through the interpreter, George Kochergin.)

Q. Do you remember the visit to this island of Prof. Elliott in 1890?—A. Yes; they do in 1890.

Q. Do you remember the meeting held then in the Treasury agent's house here, which he called for the natives?—A. Karp Buterin remembers it. Fedosay Sedick also remembers it. A number of others say they remember the meeting, but were not present. Sedick is the only man who was present at that time.

Q. Do you remember what the older natives told him then, about the past condition of the fur-seal herd?—A. Karp Buterin says they had not been called at that time to the agent's house and can not remember what the old men said to Prof. Elliott, because they were not there.<sup>1</sup>

Q. Has anybody ever disputed their assertion as to that condition since then, on this island, that you can name?—A. Unable to answer, since they were not present.

Q. When did you last drive seals from "Zapadnie"?—A. Long ago, in the days of the old Alaska Commercial Co.; not since then.

Q. When did you last drive seals from "English Bay"?—A. The last drive was made in the days of the North American Commercial Co., but do not know the year, but quite a long time ago.

Q. When did you last drive seals from "Zoltoi Bluffs"?—A. Over 10 years ago.

Q. When did you last drive seals from "Polavina"?—A. During the time of the North American Commercial Co.; over 10 years ago.

Q. When did you last drive seals from "Dalnoi"?—A. About 20 years ago.

Q. When did you last drive seals from "West of Cross Hill"?—A. Eighteen or nineteen years ago.

Q. When the orders were given to you in 1900, to take "all of the small seals that could be found," what did the natives say to the Government agents?—A. They do not remember.

Q. Have the natives ever been called upon to express their views of the condition of this fur-seal herd since Prof. Elliot's call to them, in August, 1890?—A. Once, in 1906, when Mr. Sims was up here, when the natives asked for a meeting. They told him that the seals were getting small, and also talked to him about the sealing schooners. They say Mr. Sims told them he was on the rookery, looking at the seals, and Sims told them the seals were afraid of him, and just as soon as they saw him all the seals went into the water, and he told the boys to look out for the seals, to take care of the seals. They say Mr. Sims asked them what the seals were afraid for and went right in the water. They replied that by painting the rocks on the rookeries and counting them and chasing them about, they had gotten afraid.

<sup>1</sup> The notes of this 1890 meeting are published in H. Doc. No. 175, 54th Cong., 1st sess., pp 195-197.

Q. Do you remember the visit of Dr. Jordan to this island in 1896-97?—A. Yes.

Q. The lessees took every seal that they could get in 1896, 30,000. Did Dr. Jordan supervise that killing on the ground, day after day, as it was done?—A. They did not see him. They saw him once in a while on the killing grounds, but not often.

Q. Was he there on the killing grounds more than a few hours, all told, during the whole season?—A. (See answer to previous question.)

Q. Did he ever watch and tally a killing of seals?—A. (See answer to second last question.)

Q. Who tallied that podding and killing when he was there in 1896-97?—A. Only the Government agents.

Q. Was it done at all?—A. They were counted by the Government agents, but they did not see Dr. Jordan do so.

Q. Do you remember when the natives first began to drive the holluschickie off from the rookeries where they had hauled out among the cows?—A. They do not remember the year, but they remember that it was when they started to count the seals and the pups upon the rookeries; but before that, they say, they remember that those cows came among the seals in August.

Q. Did you ever use whistles when you drove those young seals out from the shelter of the rookeries?—A. No. They used to use them, but do not use them now. They just run in and yell and clap their hands. Most of them do not remember that they used them, only the older men.

Q. Did you ever report that work to the Government agents?—A. Yes; it was always reported to the Government agents. The Government agents told them to look out and not kill cows. They all know the cows, but they go to drive at 12 o'clock midnight, when it is dark, and they can not see whether there are cows out among the holluschickie, and that is why they have been taking them. In daytime, when they haul up the holluschickie, if there are cows among them, they separate the cows as much as they can. They did not tell the Government agent that they did not like to do that, but if they drove a cow among the seals they always told the agent of the Government. They say the Government agent told them to look out for that kind of drives. They say they said nothing about that to the Government agent, but the Government agent told them not to make that kind of drives, but to look out for it. They made them because they could not help it, as it was sometimes done in the dark. The chiefs ordered them to make the drives. All those chiefs are now dead. When they were asked to make these drives, they told the Government agents they could not help but take cows, and they also told it to the chiefs, but they did not make the drives where the cows were. Karp Buterin says that the drivers do not go too near to where the cows are. He says those cows were that way when the company was here, and at that time the company did not bother the cows, but when they started counting the seals that caused the cows to get mixed up with the seals.

Q. Who gave you orders to go in among the cows and drive out those small seals—holluchickie?—A. The chief; and the chief gets his orders from the Government agent, but in the company's time they had been getting orders from the company's agent. The com-

pany's agent would get permission from the Government agent, and the company agent would give orders to the chief.

Q. In 1890 those natives who did this rookery hustling were paid extra for that work. Was that payment by the lessees continued by them to the end of their lease in 1909?—A. No.

Q. Have you ever driven seals off from Sea Lion Rock so that the company could get them?—A. No.

Q. Have you regularly killed seals on Sea Lion Rock every year, and that work done for the company so that it would get the skins?—A. Just for food, and the skins for the company.

Q. Where have holluschickie ever hauled on the islands where they could not be secured for their skins?—A. There is no such place. They mention one place at Zapadnie, but there are none there now.

Q. Is there a single place on either island where they have ever hauled in which you did not drive them off, if you could not kill them there?—A. There is no such place.

Q. You were ordered to drive the holluschickie off in 1890, when Prof. Elliott was here—did you stop that driving at any time since, when the seals hauled out?—A. They used to do it in the time of the Alaska Commercial Company, but not now.

Q. When a pup is newly born, what do you call it (June and July)?—A. A little black pup.

Q. When a pup seal sheds its black hair, and puts on its gray coat, what do you call it then (October and November)?—A. A little seal, a gray pup—"cautig."

Q. When the pups all leave the islands here, next November, what do you call them when they come back here next year?

A. Small holluschack, small bachelors, or "malinkie holluschickie."

Q. Then when they come back as 2-year olds, the next year, do you call them holluschickie (or bachelors)?—A. Holluschickie or bachelors—2 year olds.

Q. What is a "pol-seecatch,"—is it a young 5-year-old male?—A. A 5-year-old.

Q. Why do the cows lay down so close to the surf now, on the rookeries?—A. Because of the counting of them. They can not make them stay in one place.

Q. Do you remember, any of you, how much higher they laid above the surf wash in 1874-1890?—A. There were plenty of them. They could not count them. They laid up higher.

Q. When you drive up the holluschickie from near and close to the cows, do you get cows in the drive?—A. (Answered as above.)

Q. Can you tell a 2-year old cow from a 2-year old holluschak?—A. They all have the same kind of hair and look alike. It is pretty hard to tell them apart unless they pick them up and handle them.

Q. Do you remember how the skins were "loaded" with blubber, in 1890?—A. Karp Buterin says he remembers it.

Q. Have you skinned as much blubber from the seal ever since?—A. Yes. They put it on thick ever since.

Q. Do you remember the orders in 1900 when *all* the little seals were taken for the first time since the company began to take them?—A. They do not remember. They had an epidemic. The old men have died and the young men do not remember.



Q. Who gave those orders to you—was it the Government agent or the company agent?—A. (See preceding answer.)

(Announcement was made that if the natives wished to ask questions of the representatives of the committee, those questions would be answered.)

The INTERPRETER. They want to know if the men from Washington got permission to paint the rocks and rookeries and to count the seals. They say they disturb the seals in that way, and they want to know if they have permission to do that.

Mr. ELLIOTT (through the interpreter). The best answer for me to make is to say that a new administration has taken charge, and that until that administration knows what has been done here, nothing will be done until we get back. That is the reason we are asking these questions, to find out from them what they know of the past work here, and that they can answer these questions without the least hesitation or fear. We have a treaty now with Japan, with Canada, and with Russia which will stop all sealing at sea for fifteen years. We have a law which stops all killing of seals in these islands for the next five years, except that needed for natives' food.

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## EXHIBIT F.

ANALYSIS OF THE SIZES AND WEIGHTS OF 400 FUR-SEAL SKINS, TAKEN JULY 7, 1913, ON ST. PAULS ISLAND, UNDER THE DIRECTION OF THE UNITED STATES BUREAU OF FISHERIES; THIS MEASUREMENT AND WEIGHT DECLARES THE FACT THAT SMALL SKINS ARE SYSTEMATICALLY "LOADED" WITH BLUBBER, THUS GIVING THEM WEIGHTS WHICH CONCEAL THEIR REAL SIZES AND AGES.

The United States Commissioner of Fisheries tells the House Committee that the skins taken by order of the department on the Pribilof Islands are classified as to size and age by their weights on the islands and in London.

Mr. PATTON. You mean it is a report that is sworn to by the people who do the selling in London?

Mr. BOWERS. No, sir; it is the classification of the London merchants who sell the skins for the United States Government.

Mr. PATTON. And they pay on that weight?

Mr. BOWERS. They sell on those weights. Their classification is made on those weights.

Mr. ELLIOTT. Right there I want to interpose the statement that they do not weigh those skins to classify them. They measure them.

(Hearing No. 6, p. 291, July 27, 1911, House Committee on Expenditures in the Department of Commerce and Labor.)

Chief Special Agent Lembkey affirms the same to that committee:

Mr. LEMBKEY. These skins, which were sent to London during the years 1909 and 1910, were weighed by the factors after their arrival in London and the weights found to correspond with those taken on the island. As this factor, Lampson & Co., is essentially a disinterested person, being concerned not the least with the question of weights or regulations, but wholly with the sale of the skins and the payments therefor, their verification of these weights may be taken as conclusive of their accuracy.

So far, therefore, as concerns compliance with the regulations and the law in the killing of male seals, no malfeasance can be proven, because not only the records of the department but the weights of the same skins in London, taken by an independent and responsible body of experts, prove that the limits of weights laid down by the instructions of the department have been complied with as closely as it is possible



for human agency to do so. The weights of skins taken on the islands show this, and furthermore these weights have been verified in London by an independent and responsible body of men. (Hearing No. 9, pp. 374, 375, Apr. 13, 1912.)

Mr. LEMBKEY. We have found on the islands that the most reliable way of gauging seal skins so as to classify them into different ages is that of weight, of weighing the skins. We have very reliable data showing that 2-year-olds seldom, if ever, weigh less than 5 pounds, and we also have data which gives us the information that the skins of 3-year-olds weigh from  $6\frac{1}{2}$  to  $8\frac{1}{2}$  pounds. Upon that basis we have established our regulations. (Hearing No. 9, p. 398.)

In re the salt weights and measurements of 400 fur-seal skins taken July 7, 1913, on St. Paul Island, Alaska, and recorded July 29, 1913

The following order of procedure was adopted and reduced to writing July 29, 1913, by Messrs. Elliott and Gallagher, agents, House Committee, Expenditures Department of Commerce.

A copy was given to the United States agents in charge of the Seal Islands, Messrs. Chamberlain<sup>1</sup> and Hatton, who attended and assisted in the work as thus conducted by Messrs. Elliott and Gallagher at the village salt house, St. Paul Island, Tuesday, July 29, 1913, from 9 a. m. till this work was finished at 6 p. m., same day.

Order of procedure in salt house, village of St. Paul, July 29, 1913, which will be followed on the occasion of taking the measurements and salt cured weights of a series of 400 fur-seal skins, secured July 7, 1913, on St. Paul Island.

Said measurements and weights are to be taken by special agents of House Committee on Expenditures in the Department of Commerce, Messrs. Henry W. Elliott and A. F. Gallagher, publicly, in the salt house of the Government July 29, 1913.

First. An interpreter will ask the native sealers to elect four or five of their number to salt and bundle these skins for shipment, as being the men most experienced, and best workers in salting and bundling sealskins, in the community.

Second. These men are to "spread" these skins aforesaid (and which are duly tagged and numbered with their "green" weights, as taken July 7 last) upon a salter's bench for measurement, one by one, as they are asked to do so by the agents above named.

Third. When those agents have measured them for length, one by one, then those native salters shall proceed to salt and "bundle" these skins (in bundles of 2 skins each) precisely as they have done that work in 1889, under the direction of the agents of the A. C. Co., and since that date under the direction of the agents of the N. A. C. Co. up to 1909. This work of salting and bundling to be done by those native salters aforesaid, without any suggestion or interference from or by anyone during the progress of their work to its finish.

Fourth. When each bundle of two tagged salt skins is duly made by those salters, it will then be weighed and numbered, with that weight duly recorded and publicly announced by said agents at the time of such record and entry.

A copy of the above order of procedure having been duly given to the agents of Bureau of Fisheries in charge of St. Paul Island, Monday evening, July 28, 1913, on Tuesday morning at 9 o'clock

<sup>1</sup> Mr. Chamberlain being ill was duly represented by Messrs. Hatton, Clark, Whitney, and Lembkey.

following the salt house was opened and the work as above ordered was carried out to the letter; it was finished at 6 p. m.

The following results were obtained, the measurements and weights being all simultaneously made by Messrs. Elliott and Gallagher for the committee, and Messrs. Hatton and Clark and Whitney for the Bureau of Fisheries; every figure of weight and measurement being called out at the time it was recorded and made, and agreed to then and there by all parties engaged. Mr. Hatton, for the Bureau of Fisheries, verified every measurement with Mr. Elliott, and agreed upon the same as they were recorded; Mr. Clark and Mr. Whitney, for Fisheries Bureau, verified every weight with Mr. Gallagher, and agreed upon the same as they were recorded. The following table of recorded salt weights and measurements has been therefore made in complete agreement with the officials in charge of the island, they having a copy of it as it was made on the salter's bench.

The natives selected nine of their best men, who took turns in salting and bundling the skins. No one spoke to them as they did this work, or made a suggestion even as to how they should prepare these skins for shipment in salt.

Each skin has a leather tag strung to it by one or the other of its flipper holes; on this tag is the number stamped indelibly and so identifies it in the bundles as recorded.

*Table showing the record and system of recording salted fur-seal skin measurements and weights which was adopted by Special Agents Elliott and Gallagher in the Government salt house July 29, 1913, when making this record of those green weights and salt weights and measurements of 400 fur-seal skins taken by order of Bureau of Fisheries on the island of St. Paul, July 7, 1913.*

By W. I. Lembkey for U. S. Bureau of Fish- eries, taken July 7, 1913.					By H. W. Elliott and A. F. Gallagher for House Committee on Expenditures in the Department of Com- merce, July 29, 1913.					By W. I. Lembkey for U. S. Bureau of Fish- eries, taken July 7, 1913.					By H. W. Elliott and A. F. Gallagher for House Committee on Expenditures in the Department of Com- merce, July 29, 1913.				
Tagged No. of skin.	Green weight.		Meas- ure.	No.	Salt weight of bundle.	Tagged No. of skin.	Green weight.		Meas- ure.	No.	Salt weight of bundle.	Tagged No. of skin.	Green weight.		Meas- ure.	No.	Salt weight of bundle.		
	Lbs.	Oz.	Inches.		Lbs. Oz.		Lbs.	Oz.	Inches.		Lbs. Oz.		Lbs.	Oz.	Inches.		Lbs. Oz.		
4796	5	13 $\frac{3}{4}$	35	1	13 14	4297	6	7 $\frac{3}{4}$	34	15	13 7	4297	6	7 $\frac{3}{4}$	34	15	13 7		
4747	6	15 $\frac{1}{4}$	39		4239	5	4 $\frac{1}{2}$	34	4239		5	4 $\frac{1}{2}$	34						
4428	6	5 $\frac{1}{2}$	36	2	15 9	4693	5	9 $\frac{1}{2}$	37	16	11 9	4693	5	9 $\frac{1}{2}$	37	16	11 9		
4676	5	9 $\frac{3}{4}$	36		4251	5	12 $\frac{1}{2}$	33	4251		5	12 $\frac{1}{2}$	33						
4757	7	7	41	3	16 10	4698	8	5 $\frac{1}{4}$	35	17	14 10	4698	8	5 $\frac{1}{4}$	35	17	14 10		
4623	5	11 $\frac{3}{4}$	32		4380	5	11 $\frac{1}{4}$	33 $\frac{1}{2}$	4380		5	11 $\frac{1}{4}$	33 $\frac{1}{2}$						
4318	7	11 $\frac{1}{2}$	34	4	16 1	4216	7	4	35	18	12 9	4216	7	4	35	18	12 9		
4273	6	10	34		4247	4	1	26	4247		4	1	26						
4406	6	11	34	5	13 5	4334	7	3 $\frac{3}{4}$	37	19	15 12	4334	7	3 $\frac{3}{4}$	37	19	15 12		
4633	5	15 $\frac{1}{4}$	34		4237	4	11 $\frac{1}{4}$	33	4237		4	11 $\frac{1}{4}$	33						
4223	8	7	36	6	15 7	4337	7	13 $\frac{1}{4}$	39	20	17	4337	7	13 $\frac{1}{4}$	39	20	17		
4355	5	14 $\frac{1}{4}$	34		4725	6	8 $\frac{3}{4}$	37	4725		6	8 $\frac{3}{4}$	37						
4294	8	2 $\frac{3}{4}$	36	7	15 2	4675	6	12 $\frac{1}{4}$	35 $\frac{1}{2}$	21	14 12	4675	6	12 $\frac{1}{4}$	35 $\frac{1}{2}$	21	14 12		
4774	5	14 $\frac{1}{2}$	35 $\frac{1}{2}$		4393	6	1 $\frac{1}{2}$	38	4393		6	1 $\frac{1}{2}$	38						
4324	6	11 $\frac{1}{4}$	35	8	13 6	4604	7	11 $\frac{1}{2}$	36	22	15 4	4604	7	11 $\frac{1}{2}$	36	22	15 4		
4272	5	12 $\frac{1}{2}$	37		4234	4	8	34	4234		4	8	34						
4315	8	....	37	9	14 5	4758	5	6 $\frac{1}{2}$	38	23	13 11	4758	5	6 $\frac{1}{2}$	38	23	13 11		
4678	6	12	39 $\frac{1}{2}$		4793	5	15 $\frac{1}{2}$	37 $\frac{1}{2}$	4793		5	15 $\frac{1}{2}$	37 $\frac{1}{2}$						
4661	7	14	34	10	16 2	4371	7	5 $\frac{1}{2}$	34	24	13 5	4371	7	5 $\frac{1}{2}$	34	24	13 5		
4776	5	5 $\frac{1}{2}$	33 $\frac{1}{2}$		4244	4	3 $\frac{1}{2}$	32	4244		4	3 $\frac{1}{2}$	32						
4388	8	2 $\frac{1}{4}$	37	11	15 12	4218	6	8 $\frac{3}{4}$	36	25	15 7	4218	6	8 $\frac{3}{4}$	36	25	15 7		
4246	5	15 $\frac{3}{4}$	31		4212	13 $\frac{3}{4}$	32 $\frac{1}{2}$		4212		13 $\frac{3}{4}$	32 $\frac{1}{2}$							
4788	7	10	40	12	15 0	4236	4	15 $\frac{1}{2}$	36	26	13 3	4236	4	15 $\frac{1}{2}$	36	26	13 3		
4242	4	5 $\frac{1}{4}$	31		4233	4	3 $\frac{3}{4}$	32 $\frac{1}{2}$	4233		4	3 $\frac{3}{4}$	32 $\frac{1}{2}$						
4712	6	6	40	13	15 10	4248	5	8 $\frac{3}{4}$	35	27	12 11	4248	5	8 $\frac{3}{4}$	35	27	12 11		
4238	4	8	33		4232	4	8 $\frac{1}{4}$	32 $\frac{1}{2}$	4232		4	8 $\frac{1}{4}$	32 $\frac{1}{2}$						
4243	5	12	35	14	12 12	4685	6	10 $\frac{1}{4}$	35	28	15 1	4685	6	10 $\frac{1}{4}$	35	28	15 1		
4794	6	2	35 $\frac{1}{2}$		4799	6	12 $\frac{1}{4}$	37	4799		6	12 $\frac{1}{4}$	37						

Table showing the record and system of recording salted fur-seal skin measurements and weights which was adopted by Special Agents Elliott and Gallagher in the Government salt house July 29, 1913, when making this record of those green weights and salt weights and measurements of 400 fur-seal skins taken by order of Bureau of Fisheries on the island of St. Paul, July 7, 1913—Continued.

By W. I. Lembkey for U. S. Bureau of Fish- eries, taken July 7, 1913.						By H. W. Elliott and A. F. Gallagher for House Committee on Expenditures in the Department of Com- merce, July 29, 1913.						By W. I. Lembkey for U. S. Bureau of Fish- eries, taken July 7, 1913.						By H. W. Elliott and A. F. Gallagher for House Committee on Expenditures in the Department of Com- merce, July 29, 1913.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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		Lbs.	Oz.	Inches.		Lbs.	Oz.			Lbs.	Oz.	Inches.		Lbs.	Oz.			Lbs.	Oz.	Inches.		Lbs.	Oz.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
4292	7	3	1/2	36	29	14	15	4753	7	7	36 1/2	62	15	9	4276	7	8 3/4	37	63	14	3	4353	5	14 1/2	35	64	13	12	4706	6	10 1/2	39	65	16	8	4235	5	8 1/2	37	66	13	7	1 4478	0	0	31 1/2	67	14	13	4459	8	13	36	68	12	6	4687	6	13 1/2	36	69	13	10	4350	6	12 1/2	33	70	16	0	4322	7	9 1/2	35	71	15	1	4364	6	7 1/2	39	72	16	0	4650	6	10	34	73	15	12	4215	4	12 3/4	32	74	16	0	4225	4	4	32	75	15	5	4636	6	5 1/2	34	76	15	7	4266	5	6 1/2	32	77	14	3	4771	6	12 1/2	37 1/2	78	15	13	4745	7	3 3/4	37 1/2	79	16	6	4763	6	3 1/2	36	80	14	9	4627	7	5 1/2	32 1/2	81	14	5	4792	7	5 1/2	36	82	13	14	4399	6	15	37 1/2	83	14	3	4621	6	8 1/2	36	84	14	12	4214	7	1 1/2	37	85	14	8	1 4482	0	0	36	86	16	2	4798	5	11 1/2	37	87	15	8	4390	7	7 1/2	37 1/2	88	12	0	4230	5	8 3/4	35	89	15	4	4710	6	11 1/2	37	90	13	15	4741	6	14	37	91	13	12	4630	7	4 1/2	38	92	11	13	4279	6	3	34	93	16	2	4711	8	6	44	94	13	13	4680	6	4 1/2	35 1/2				4644	7	12 1/2	38				4436	8	8	36				4692	6	3	38				4656	6	14 1/2	34				4455	7	9 1/2	38 1/2				4321	6	1 1/2	35 1/2				4765	6	8 1/2	36				4690	5	13 1/2	32 1/2				4699	6	7	36				4602	6	1	37				4786	6	10 1/2	40				4465	6	6 1/4	36				4609	6	13 1/2	35 1/2				4354	5	7	35				4274	8	0	39 1/2				4385	6	13 1/2	35				4773	7	5	38				4404	6	14 3/4	35				4221	5	5 1/2	36 1/2				4262	6	8 1/2	35				4708	6	13 1/2	34				4702	7	11 1/2	36				4764	6	6 1/2	35				4601	6	12	35				4439	7	6	38				4366	5	9	38				4227	4	14 1/2	34				4704	5	10 1/2	33				4310	8	9 1/2	35				4789	5	15 3/4	34 1/2				4301	6	11	34 1/2				4716	6	3 1/2	34																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	</

Table showing the record and system of recording salted fur-seal skin measurements and weights which was adopted by Special Agents Elliott and Gallagher in the Government salt house July 29, 1913, when making this record of those green weights and salt weights and measurements of 400 fur-seal skins taken by order of Bureau of Fisheries on the island of St. Paul, July 7, 1913—Continued.

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Tagged No. of skin.		Green weight.		Meas- ure.	No.	Salt weight of bundle		Tagged No. of skin.		Green weight.		Meas- ure.	No.	Salt weight of bundle.		Tagged No. of skin.		Green weight.		Meas- ure.	No.	Salt weight of bundle.																																																																																																																																																																																																																																																															
		Lbs.	Oz.	Inches.		Lbs.	Oz.			Lbs.	Oz.	Inches.		Lbs.	Oz.			Lbs.	Oz.	Inches.		Lbs.	Oz.																																																																																																																																																																																																																																																														
4694	7	13½	36	95	14	12	4724	7	3½	36½	128	14	8	4430	6	7½	32	4624	6	7½	38	4302	7	1¼	38	4261	6	4	36	4341	8	6½	36½	4652	6	5¼	34	4608	7	1	34	4413	7	14½	36	4420	6	11½	37	4626	6	14½	34	4707	7	6½	32½	4386	6	2¼	31½	4775	8	8	38	4289	6	13	32	4268	7	10½	38½	4330	5	14½	33½	4441	7	4½	35	4606	6	7½	35½	4328	6	9½	35	4325	6	6	33½	4614	5	8½	32½	4286	7	7½	39½	4367	6	5½	36	4643	7	3¾	36½	4346	7	6¾	34	4303	5	6	35	4345	6	0	34	4784	6	5¾	33½	4405	6	12½	38½	4474	0	0	35½	4312	6	7	40	4628	5	11¾	33	4659	6	4½	37	4307	5	14¾	36	4309	7	13¾	41	4746	5	15½	32½	4344	6	13¼	36½	4270	6	9½	38	4389	8	1	37	4749	7	5½	35½	4277	5	14½	39½	4349	5	9½	35½	4714	6	11¾	35	4666	6	7½	34	4259	6	6	32	4464	6	14½	35	4311	7	9½	37	4435	7	15	38½	4269	5	14¾	37	4467	0	0	34	4314	6	14½	38½	4795	6	7½	33½	4362	6	12½	41	4682	6	13½	36	4739	5	14	37	4298	5	5½	34	4732	7	3½	35	4607	6	11½	36	4736	6	12	38	4296	6	6½	38	4791	6	13½	32½	4453	7	4	36	4605	6	12½	32	4684	6	9½	34½	4372	7	9½	35	4264	5	11½	33½

<sup>1</sup> No green weight; Northeast Point skin.

Table showing the record and system of recording salted fur-seal skin measurements and weights which was adopted by Special Agents Elliott and Gallagher in the Government salt house July 29, 1913, when making this record of those green weights and salt weights and measurements of 400 fur-seal skins taken by order of Bureau of Fisheries on the island of St. Paul, July 7, 1913—Continued.

By W. I. Lembkey for U. S. Bureau of Fish- eries, taken July 7, 1913.						By H. W. Elliott and A. F. Gallagher for House Committee on Expenditures in the Department of Com- merce, July 29, 1913.						By W. I. Lembkey for U. S. Bureau of Fish- eries, taken July 7, 1913.						By H. W. Elliott and A. F. Gallagher for House Committee on Expenditures in the Department of Com- merce, July 29, 1913.					
Tagged No. of skin.		Green weight.		Meas- ure.	No.	Salt weight of bundle.		Tagged No. of skin.		Green weight.		Meas- ure.	No.	Salt weight of bundle.		Tagged No. of skin.		Green weight.		Meas- ure.	No.	Salt weight of bundle.	
		Lbs.	Oz.	Inches.		Lbs.	Oz.			Lbs.	Oz.	Inches.		Lbs.	Oz.			Lbs.	Oz.	Inches.		Lbs.	Oz.
4319	6	15½	35	161	14	8		4728	7	4	35	181	15	10		4457	8	5	38½	182	16	10	
4717	5	34						4618	8	0	34½						4424	7	14¾		38		
4370	7	5½	43	162	16	2		4291	7	14	40	183	16	6		4442	7	10	35½	184	18	9	
4403	7	2¼	34					4720	9	9¼	38						4639	7	3¾		38		
4374	7	0	35	163	15	15		4701	7	6¼	41	185	14	0		4480	10	0	32	186	15	14	
4422	6	1½	37½					4222	7	2¾	39						4783	6	6½		34		
4781	6	8	45	164	14	14		4664	7	7	39	187	15	4		4373	7	3¼	34	188	14	12	
4463	5	12¾	32					4754	6	6	41						4731	7	1		35½		
4649	6	6	37	165	15	8		4611	6	10	35	189	14	10		4634	6	12	34	190	14	1	
4327	6	13¾	38					4368	6	3	32						4402	7	5		35		
4772	8	10	36	166	14	10		4408	7	15	36	191	15	12		4722	7	10	35	192	16	2	
4381	6	5	34					4620	6	10¼	31½						4434	7	9½		37		
4343	5	15	32	167	12	2		4333	6	4¾	36	193	15	8		4340	7	9	38½	194	15	0	
4762	4	15	31					4727	6	13	34½						4394	7	5		36		
4770	7	5¼	34	168	16	13		4472	0	0	31	195	16	9		4416	7	10¾	36	196	14	12	
4417	8	2¼	39½					4414	8	8½	36½						4671	5	14¼		31½		
4407	7	8	36½	169	16	0		4655	0	0	31	197	14	1		4414	8	8½	36½	198	16	10	
4429	7	9½	40					4655	0	0	31						4460	7	1¾		35		
4615	6	13	36	170	15	0		4384	5	13¼	33½	199	14	1		4438	7	5¾	36	200	14	10	
4610	6	5½	34½					4631	5	10¾	36						4631	5	10¾		36		
4780	7	1¼	39	171	15	5																	
4452	6	9	35																				
4674	7	2½	37½	172	14	9																	
4305	5	15	36																				
4400	9	2½	39	173	18	8																	
4612	8	4¾	32																				
4689	9	13	38½	174	18	0																	
4288	7	8½	36																				
4670	7	3	35	175	14	10																	
4445	6	8½	35½																				
4293	6	15½	40	176	14	7																	
4648	6	7¾	34																				
4740	6	7	41	177	15	7																	
4696	7	15	37																				
4329	6	14	34½	178	15	4																	
4398	7	½	37½																				
4421	7	12¾	37	179	15	8																	
4734	7		34																				
4790	6	9½	39	180	14	5																	
4254	6	9½	34																				

† No green weight; Northeast Point skin.

NOTE.—The following annotation was made by Walter I. Lembkey on his official record of the weights of the 400 sealskins listed and measured and weighed above, all taken in the killing of July 7, 1913:

All seals killed to-day dripping wet, and skins loaded with water. Steady rain, with fog. Southeast wind. To determine percentage of moisture in skins to-day, 12 skins were weighed wet, the moisture then taken from them until the skins were nearly dry, and the same skins weighed again. The aggregate wet weight was 90 pounds 1.5 ounces. The aggregate dry weight was 79 pounds 14.5 ounces; the aggregate loss, 10 pounds 3 ounces, or 11 per cent. All weights to-day, therefore, should be considered as averaging 11 per cent above normal weight.

This statement of Mr. Lembkey orders a decrease of 10 per cent in the green weights, which makes the increased weight of the salt-cured skins 10 per cent greater than the figures show. For instance, bundle No. 1 weighs 13 pounds 14 ounces; 10 per cent off from the

green weights makes them 1 pound 3 ounces lighter than they show in Lembkey's table, or the bundle weighs 2 pounds more, rather than less.

Analysis of the figures of weight and measurement (taken July 7, 1913, green, by W. I. Lembkey) made of a series of 400 fur seal skins, which show the loading of small skins so as to make them weigh into larger size skin weights, and so deceive:

*30-34 inch yearling skins, which should weigh, if properly skinned, 4 pounds 8 ounces.*

No.	Tag No.	Length.	Weighed green July 7, 1913.		No.	Tag No.	Length.	Weighed green July 7, 1913.	
		<i>Inches.</i>	<i>Lbs.</i>	<i>Oz.</i>			<i>Inches.</i>	<i>Lbs.</i>	<i>Oz.</i>
1	4623	32	5	11 $\frac{3}{4}$	68	4227	34	4	14 $\frac{3}{4}$
2	4318	34	7	11 $\frac{1}{2}$	69	4704	33	5	10 $\frac{1}{2}$
3	4273	34	5	15 $\frac{1}{2}$	70	4789	34 $\frac{1}{2}$	5	15 $\frac{3}{4}$
4	4353	34	5	14 $\frac{1}{2}$	71	4301	34 $\frac{1}{2}$	6	11
5	4661	34	7	14	72	4716	34	6	3 $\frac{1}{2}$
6	4246	31	5	15 $\frac{3}{4}$	73	4430	32	6	1 $\frac{1}{2}$
7	4242	31	4	5 $\frac{1}{2}$	74	4617	34	4	11 $\frac{1}{2}$
8	4238	33	4	8	75	4779	34	7	13
9	4297	34	6	7 $\frac{3}{4}$	76	4719	32	7	1
10	4239	34	5	4 $\frac{1}{2}$	77	4665	30	6	9 $\frac{3}{4}$
11	4251	33	5	12 $\frac{1}{2}$	78	4638	34	6	13 $\frac{1}{2}$
12	4380	33 $\frac{1}{8}$	5	11 $\frac{1}{2}$	79	4383	34	7	12 $\frac{1}{2}$
13	4247	26	4	1	80	4339	33	7	1 $\frac{1}{2}$
14	4237	33	4	11 $\frac{1}{2}$	81	4379	32 $\frac{1}{2}$	7	3
15	4234	34	4	8	82	4220	31 $\frac{1}{2}$	5	5 $\frac{1}{2}$
16	4371	34	7	5 $\frac{1}{2}$	83	4397	32	5	11
17	4244	32	4	3 $\frac{1}{2}$	84	4733	32	5	13
18	4212	32 $\frac{1}{2}$	5	13 $\frac{3}{4}$	85	4252	34	5	2
19	4233	32 $\frac{1}{2}$	4	3 $\frac{1}{2}$	86	4658	31 $\frac{1}{2}$	8	9 $\frac{1}{2}$
20	4232	32 $\frac{1}{2}$	4	8 $\frac{1}{2}$	87	4211	32	4	2
21	4358	34	6	3	88	4326	34	7	4 $\frac{1}{2}$
22	4382	34	6	4 $\frac{3}{4}$	89	4652	34	6	5 $\frac{1}{2}$
23	4241	33	4	8 $\frac{1}{2}$	90	4608	34	7	1
24	4660	33	5	12 $\frac{1}{2}$	91	4626	34	6	11 $\frac{1}{2}$
25	4751	32	6	1	92	4707	32 $\frac{1}{2}$	7	6 $\frac{3}{4}$
26	4427	33	6	9 $\frac{1}{2}$	93	4386	31 $\frac{1}{2}$	6	2 $\frac{1}{2}$
27	4715	33	6	0	94	4289	32	6	13
28	4761	34	8	1	95	4330	33 $\frac{1}{2}$	5	14 $\frac{1}{2}$
29	4700	31	5	4 $\frac{1}{2}$	96	4325	33 $\frac{1}{2}$	6	0 $\frac{1}{2}$
30	4228	34	4	4 $\frac{1}{2}$	97	4614	32 $\frac{1}{2}$	5	8 $\frac{3}{4}$
31	4226	34	5	8 $\frac{1}{2}$	98	4346	34	7	6 $\frac{3}{4}$
32	4673	33	6	8 $\frac{1}{2}$	99	4345	34	6	0
33	4209	33	6	2 $\frac{1}{2}$	100	4784	33 $\frac{1}{2}$	6	5 $\frac{1}{2}$
34	4240	31	4	5 $\frac{1}{2}$	101	4628	33	5	11 $\frac{1}{2}$
35	4356	33	6	7 $\frac{1}{2}$	102	4746	32 $\frac{1}{2}$	5	15 $\frac{1}{2}$
36	4382	34	6	4 $\frac{1}{2}$	103	4666	34	6	7 $\frac{1}{2}$
37	4241	33	4	8 $\frac{1}{2}$	104	4259	32	6	6
38	4660	33	5	12 $\frac{1}{2}$	105	4795	33 $\frac{1}{2}$	6	7 $\frac{1}{2}$
39	4751	32	6	1	106	4298	34	5	5 $\frac{1}{2}$
40	4427	33	6	9 $\frac{1}{2}$	107	4791	32 $\frac{1}{2}$	6	13 $\frac{1}{2}$
41	4715	33	6	0	108	4605	32	6	12 $\frac{3}{4}$
42	4761	34	8	1	109	4684	34 $\frac{1}{2}$	6	9 $\frac{1}{2}$
43	4700	31	5	4 $\frac{1}{2}$	110	4264	33 $\frac{1}{2}$	5	11 $\frac{1}{2}$
44	4228	34	4	4 $\frac{1}{2}$	111	4717	34	5	0 $\frac{1}{2}$
45	4226	34	5	8 $\frac{1}{2}$	112	4403	34	7	2 $\frac{1}{2}$
46	4673	33	6	8 $\frac{1}{2}$	113	4463	32	5	12 $\frac{1}{2}$
47	4209	33	6	2 $\frac{1}{2}$	114	4381	34	6	5
48	4240	31	4	5 $\frac{1}{2}$	115	4343	32	5	15
49	4356	33	6	7 $\frac{1}{2}$	116	4762	31	4	15
50	4224	34	6	11 $\frac{3}{4}$	117	4770	34	7	5 $\frac{1}{2}$
51	4249	33	5	1 $\frac{1}{2}$	118	4610	34 $\frac{1}{2}$	6	5 $\frac{1}{2}$
52	4213	33	5	14	119	4612	32	8	4 $\frac{1}{2}$
53	4275	32	8	7 $\frac{1}{2}$	120	4648	34	6	7 $\frac{3}{4}$
54	4245	33	4	14 $\frac{1}{2}$	121	4329	34 $\frac{1}{2}$	6	14
55	4253	34	5	10 $\frac{1}{2}$	122	4734	34	7	0
56	4283	34	6	4 $\frac{1}{2}$	123	4254	34	6	9 $\frac{1}{2}$
57	4350	33	6	12 $\frac{1}{2}$	124	4618	34 $\frac{1}{2}$	8	0
58	4650	34	6	10	125	4783	34	6	6 $\frac{1}{2}$
59	4215	32	4	12 $\frac{3}{4}$	126	4373	34	7	3 $\frac{1}{2}$
60	4225	32	4	1 $\frac{1}{2}$	127	4634	34	6	12
61	4636	34	6	5 $\frac{1}{2}$	128	4368	32	6	03
62	4266	32	5	6 $\frac{1}{2}$	129	4402	32	7	0 $\frac{1}{2}$
63	4627	32 $\frac{1}{2}$	7	5 $\frac{1}{2}$	130	4232	32	5	3 $\frac{1}{2}$
64	4279	34	6	3	131	4620	31 $\frac{1}{2}$	6	0 $\frac{1}{2}$
65	4656	34	6	14 $\frac{1}{2}$	132	4727	34 $\frac{1}{2}$	6	13
66	4690	32 $\frac{1}{2}$	5	13 $\frac{1}{2}$	133	4671	31 $\frac{1}{2}$	5	14 $\frac{1}{2}$
67	4708	34	6	13 $\frac{1}{2}$	134	4384	33 $\frac{1}{2}$	5	13 $\frac{1}{2}$

There are 134 skins thus listed above, every one of which is not to exceed  $34\frac{1}{2}$  inches in length. If those small skins had all been properly skinned no one of them would weigh more than 5 pounds, green, and three-fourths of them would not exceed  $4\frac{1}{2}$  pounds. Yet, we find that they all have been so loaded with blubber, when fresh skinned, that with exception of 18 skins they are weighing as much and even more than properly skinned 2-year-old seal's pelts do, and many of them weigh into the 3-year-old class.

As an instance of that falsification in those weights, above listed, No. 4612 is 32 inches long, and is so blubbered that it weighs 8 pounds  $4\frac{3}{4}$  ounces, and No. 4244 is also only 32 inches long, yet, not blubbered, weighs but 4 pounds  $3\frac{1}{4}$  ounces.

These two yearling skins show beyond dispute that no classification of these skins by weight can be sensibly or honestly made.

The following letter shows the use made of these "loaded" skin weights to deceive. Here they are quoted by the Secretary of Commerce and Labor as proof conclusive that no small seals or yearlings have been taken by his agents:

DEPARTMENT OF COMMERCE AND LABOR,  
Washington, February 23, 1911.

HON. WESLEY L. JONES,  
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of the 10th instant, inclosing a communication to you from Henry W. Elliott relative to the sealskins taken on the Pribilof Islands during the season of 1910. Mr. Elliott sends you a memorandum giving certain data which he wishes you to believe were taken from the Fur Trade Review for February, 1911, showing that 8,000 skins out of the 12,920 sold in London in December last were taken in violation of the regulations of the department.

\* \* \* \* \*

For your information, there is appended hereto a statement received from Messrs. Lampson & Co., of London, dated November 9, 1910, by which firm these skins were sold, showing the number, weights, and classification as to size of the skins to which Elliott refers. These weights correspond with those taken on the islands before shipment. The smallest weights reported by Lampson are 4 pounds 10 ounces, of which weight there were only 11 skins. The next smallest weight thus reported was 4 pounds 15 ounces, or within 1 ounce of the size prescribed by the departmental regulations, and these embrace only 81 skins; this immaterial underweight was due to the excessive care of the natives in removing from the skins every vestige of fatty tissue for food. There were thus only 92 skins which, while taken in conformity with law, were under the limit of 5 pounds prescribed by the department, and of these between 70 and 75 per cent were taken for food purposes by the natives after the close of the regular killing season.

When the possibilities of error in judgment as to weight of pelts not yet removed from the seals and of unavoidable accidents incident to the killing of thousands of animals are considered, the wonder is that there are so few undersized animals killed. The results indicate careful supervision by the agents and also accuracy on the part of the clubbers.

The law forbids the killing of seals less than 1 year old except when necessary to secure food for the natives. This necessity did not arise in 1910, and, consequently, no seals under 1 year old were killed in that year.

Respectfully,

CHARLES NAGEL, *Secretary.*

Contrast the foregoing weight of 139 skins,  $30$ – $34\frac{1}{2}$  inches long, with the following exhibit made to the House Committee, June 28, 1911, and the folly and error of this attempt of the United States Commissioner of Fisheries to deceive the committee will be at once apparent.

The Bureau of Fisheries improperly classifies the skins by weight, and the following sworn statement proves it—that a yearling skin



(30–34 inches long) weighs  $4\frac{1}{2}$  pounds, properly skinned is used as the basis of this classification:

Mr. TOWNSEND. I will examine you now as to the killing of seals after the expiration of this lease and when the killing was made, as it has been called here by the Government. The report shows that in the year 1910, 12,920 seals were killed, and the evidence before the committee is that of those 8,000 were yearlings.

Mr. BOWERS. Well, that evidence is false.

Mr. TOWNSEND. That is your answer to that, is it?

Mr. BOWERS. Yes, sir. Here are the weights on the basis, you understand, that a  $4\frac{1}{2}$ -pound skin is a yearling. There are the weights for 1909, the island weights and the London weights. I think probably you will find one skin weighing less than  $4\frac{1}{2}$  pounds.

C. M. LAMPSON & Co., London, November 19, 1910.

*Assortment of Alaska salted fur sealskins for account of United States Government Department of Commerce and Labor.*

[New York, Ck. 1/228.]

	Lbs.	Ozs.
78 smalls.....	7	15
713 large pups.....	7	2
3,032 middling pups.....	6	7
4,899 small pups.....	5	12
1,266 ex. small pups.....	5	5
11 ex. ex. small pups.....	4	10
33 smalls, low.....	7	11
135 large pups, low.....	6	9
498 middling pups, low.....	6	1
501 small pups, low.....	5	9
88 ex. small pups, low.....	5	0
10 small, cut.....	7	2
71 large pups, cut.....	6	13
238 middling pups, cut.....	6	2
421 small pups, cut.....	5	6
81 ex. small pups, cut.....	4	15
6 small, rubbed.....	7	0
55 large pups, rubbed.....	6	14
195 middling pups, rubbed.....	6	6
290 small pups, rubbed.....	5	11
75 ex. small pups, rubbed.....	5	3
36 faulty.....		

12,732 average based on December, 1909, prices 144/.

5 small.  
21 large pups.  
48 middling pups.  
94 small pups.  
18 ex. small pups.  
2 faulty.

188 average based on December, 1909, prices 120/.

12,920

Subject to recount.

Mr. ELLIOTT. Right at this point——

Mr. TOWNSEND (interposing). Do you refer to 1910 or 1909? Is that 1909?

Mr. BOWERS. No; this is 1910. (Hearing No. 3, p. 128.)

In order to justify that killing of more than 7,733 yearlings in 1910, as admitted by W. I. Lembkey, under oath, April 13, 1912, Dr. Jordan's man, Geo. W. Clark, prepared and published February 28, 1913, an elaborate and studied statement in which he declares that these weights (those "loaded" blubbered skins which he and

his scientific associates have been familiar with since 1896), properly deny the charge that yearlings were so killed.

This exhibition of those "loaded" skins—those blubbered 30–34 inch skins (7,733 of them), taken in 1910, Clark unwittingly makes in *Science*, issue of February 28, 1913, pages 325–327. He goes farther: With the cooperation of Dr. D. S. Jordan he has a reprint of these pages from *Science* made, and sends a copy to every Senator and Member of Congress, in which he uses these bogus "loaded" skin weights to deny the killing of those small seals, which have as above been admitted so killed by his own associate and confederate, W. I. Lembkey.

He says:

On the other hand, the testimony clearly shows that of the 13,500 skins taken in 1910 (of which 12,920 were sold in London in December of that year), the season under particular consideration, only 90 were under the standard weight of the 2-year-old, as shown by the green weights taken by the agents on the islands, and only 92 by the salted weights of the London fur dealers.

Turn from this statement, as quoted from Clark, to that exhibit of 400 skins which were taken July 7, last, just as these skins of 1910 were taken, and by the same men, under the same director, W. I. Lembkey.

According to the green weights which those 400 blubbered skins show, there are only 18 skins under Clark's "standard weight of the 2-year-old"—only 18 yearlings.

Yet the fact is that there are in this small list of 400 sealskins, taken in the very best season of the year, and when the largest seals are most plentiful at any one time of the year, there are actually 139 yearling skins, every one of them less than 34½ inches long. Yet every one of these little skins has been so "loaded" with blubber that they weigh into the classes of 2 and 3 year old skins.

Why does Dr. Jordan (and Mr. Clark also) ignore the measurements of those skins? Those measurements of that 12,920 skins show beyond a shadow of dispute that 7,733 of them were each less than 34 inches long—show that they were yearling seals' skins.

No one of the scientists of the advisory board on fur seal service, of which Dr. Jordan is the president, has dared to publicly deny the admission made by their own confederate, W. I. Lembkey, that the skin of a yearling seal is 36½ inches long, just as has been said by Mr. Elliott, who has testified as follows:

Mr. Lembkey thus testifies that his own summary and official record of the measurements of "7,733 fur sealskins," which he took during the season of 1910 on the Pribilof Islands, declares the fact that no one of them exceeds in length 34 inches. That fact determines them—all of them—to have been the skins taken from yearling seals—

Mr. MADDEN. Let me ask you a question. According to Mr. Lembkey's testimony read by you, he testified that the length of a yearling would be 39½ inches, and when it was skinned the skin itself would be 36½ inches. Does it always follow that a yearling seal measures just the same or within an inch or two of the same length?

Mr. ELLIOTT. I think the range is about 3 to 4 inches; a small yearling skin goes 30 inches, a good average yearling skin 34 inches, and a "long" yearling 36 inches. There are three grades.

Mr. MADDEN. All seals are not of the same size?

Mr. ELLIOTT. No; but there is the general average, and you can very easily keep within the limit.

Mr. MADDEN. As a matter of fact, you might possibly find a seal that was returned a year old, and after it had come back from its trip to the ocean on the 25th of July it would be a year or a few days over, and it might not be over 30 inches in length?

Mr. ELLIOTT. Yes, sir.

Mr. MADDEN. And it might be 39½ inches?

Mr. ELLIOTT. Thirty-six inches. Mr. Lembkey, when he measured what he called a "yearling," selected a remarkably well-grown one. I allowed him to take those as "middling pups," and I have not charged any malfeasance in having those so taken by him. Those "long" yearlings are invariably males, and no real risk of killing females, when he does, is incurred by him. (Hearing No. 14, pp. 905-906, July 30, 1912, House Committee on Expenditures Department of Commerce and Labor.)

The following weights of the large 39-43 inch skins, taken July 7, 1913, show that they have been "clean skinned," not "blubbered," and show the fair size per salt weight of skin. They are 3-year-old skins, yet in Lembkey's list a large number of these small 30-34 inch skins weigh just as much as these 39-43-inch skins do, as shown in the foregoing abstract and below, to wit:

No.	Tag No.	Length.	Weighed green July 7, 1913.		No.	Tag No.	Length.	Weighed green July 7, 1913.	
		<i>Inches.</i>	<i>Lbs.</i>	<i>Oz.</i>			<i>Inches.</i>	<i>Lbs.</i>	<i>Oz.</i>
1	4757	41	7	7	21	4625	40	6	6½
2	4788	40	7	10	22	4338	40	7	14½
3	4712	40	6	6	23	4286	39½	7	7½
4	4723	39	7	8½	24	4312	40	6	7
5	4705	42½	7	3½	25	4309	41	7	13½
6	4709	40	8	5½	26	4277	39½	5	14½
7	4768	39	7	5½	27	4362	41	6	12½
8	4766	39	5	9½	28	4781	45	6	8
9	4706	39	6	10½	29	4417	39½	8	2½
10	4364	39	6	7½	30	4429	40	7	9½
11	4711	44	8	6	31	4780	39	7	1½
12	4786	40	6	10½	32	4400	39	9	2½
13	4274	39½	8	0	33	4293	40	6	15½
14	4651	39	7	6	34	4291	40	7	14
15	4782	40	7	3½	35	4701	41	7	6½
16	4308	40	6	13½	36	4222	39	7	2½
17	4800	40	6	11½	37	4664	39	7	7
18	4667	40	6	5¾	38	4754	41	6	6
19	4281	42	8	3	39	4645	40	7	0
20	4361	40	7	6½					

Here are 39 skins, which are each between 39-43 inches long, and are clearly the skins of 3-year-olds. They were skinned at the same time on the same field that the yearling 30-34 inch skins were. Yet 53 of those small yearling 30-34 inch skins are so loaded with blubber that they each one weigh as much as any one of those big 39-43 inch skins do.

The 2-year-old 36½-38-inch skins in this list of 400 skins, as above cited, are not so heavily loaded, but nearly all of them are so put up into the 3-year-old weights, viz, 7 pounds and up to 8½ pounds. There are 127 of these loaded 2-year-olds in this exhibit of 400. These green weights of those skins should run from 5½ pounds to 6 pounds each, if properly skinned; never any less.

This showing of those 400 July 7, 1913, green skins declares the fact—

I. That the small 30-34-inch skins have nearly all of them been loaded with blubber so as to weigh into the 2 and 3 year old class of skin weights, i. e., into the same weights that belong to properly skinned 36½-38 and 39-44 inch skins.

II. That weight list of Lembkey thus falsely certifies 139 yearling skins by this record of killing of July 7, 1913, "as the skins of seals not under 2 years of age."

III. That weight list of Lembkey is the certified proof of this illegal killing, and it shows exactly how this work of loading the green skins with blubber so as to deceive as to (weight of) size of skin ever since 1896—how it has been done on the islands by the lessees with the aid of the agents of the Government, year after year, since then, up to date.

Mr. YOUNG. In this hearing, volume 3, page 131, there seems to be a statement or a report sent out by the London agent, dated the 19th of November, 1910, as to the salted fur-seal skins for the account of the United States Government. That statement seems to be arranged altogether on the basis of weights.

Mr. ELLIOTT. But that is simply in response to an inquiry from the bureau. They do not classify them according to the bureau's direction. They classify these skins by measurement. The bureau asked for the weights, and they sent them the weights; but they do not classify them by weights. They would be laughed out of court and would lose their standing if they undertook to classify them by weight. You never know what skimmers and salters will do with the weights, but they can not trifle with the measurements. They can not change the measurements; but they can "load" them with weight of blubber and salt anywhere from 1½ to 3 pounds. I have seen it done. Did I not see this man, in 1890, grin and smile about how he was fixing his skins to increase their weight; but the laugh was on him when the Lampson's returns came in. (Hearing No. 4, p. 223, July 11, 1911. House Committee on Expenditures, Department of Commerce and Labor.)

Lembkey swears that the skin of a yearling fur seal is 36½ inches long, to wit.

Mr. ELLIOTT. Mr. Lembkey, do you know the length of a yearling seal from its nose to the tip of its tail?

Mr. LEMBKEY. No, sir, not off-hand.

Mr. ELLIOTT. You never measured one?

Mr. LEMBKEY. Oh, yes, I have measured one.

Mr. ELLIOTT. Have you no record of it?

Mr. LEMBKEY. I have a record of it here.

Mr. ELLIOTT. What is its length?

Mr. LEMBKEY. The length of a yearling seal on the animal would be, from the tip of the nose to the root of the tail, 39½ inches in one instance and 39½ in another instance.

Mr. ELLIOTT. Yes.

Mr. LEMBKEY. And 41 in another instance. I measured only three.

Mr. ELLIOTT. Yes.

Mr. LEMBKEY. All right.

Mr. ELLIOTT. When you take a skin off of that yearling seal, how much of that skin do you leave on there?

Mr. LEMBKEY. You do not leave very much on the tail end there [indicating]; not nearly so much as your sketch would show.

Mr. ELLIOTT. It does not matter.

Mr. LEMBKEY. We leave about 3 inches, perhaps, on the head.

Mr. ELLIOTT. How much can you say is left on a yearling after you have taken the skin off?

The CHAIRMAN. How much skin is left after you have taken it off?

Mr. ELLIOTT. Yes, sir; after they remove it for commercial purposes a certain amount is left on.

Mr. LEMBKEY. I stated about 3 inches.

Mr. ELLIOTT. Then that would leave a yearling skin to be 35 inches long.

Mr. LEMBKEY. No; if it was 39½ inches long it would leave it 36½ inches. That is, all the animal from the tip of the nose to the root of the tail would be 39½ inches long. Three inches off that would leave 36½ inches. (Hearing No. 9, pp. 442, 443, Apr. 13, 1912. House Committee on Expenditures, Department of Commerce and Labor.)

Out of the foregoing exhibit of 400 skins taken by Mr. Lembkey, July 7, 1913, 261 of them are not over 36½ inches in length, or are yearling skins of his identification and measurement.

## THE DEADLY PARALLEL.

LEMBKEY TELLS THE TRUTH IN 1904, AND RECORDS THE FACT THAT SALTING SEAL SKINS INCREASES THEIR WEIGHT.

Chief Special Agent Lembkey makes the following entry on page 149 of the Journal of the Government Agent on St. Pauls Island, Alaska, to wit—

"SATURDAY, July 23, 1904.

"One hundred and seven skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the trench and re-weighed. At the time of killing they weighted 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin."

A true copy, made July 22, 1913.

Attest: HENRY H. ELLIOTT,

A. F. GALLAGHER,  
*Agents House Committee on Ex-*  
*penditures in the Department of*  
*Commerce.*

BUT LEMBKEY FALLS FROM TRUTH ABOVE—FALLS HARD.

[Hearing No. 9, p. 446, Apr. 13, 1912, House Committee on Expenditure in the Department of Commerce and Labor.]

Mr. ELLIOTT. Mr. Lembkey, you say you never have weighed these skins after you have salted them? You have never weighed them?

Mr. LEMBKEY. I have never weighed them after the salting on the islands; no, sir.

LEMBKEY TELLS AN UNTRUTH IN 1912, AND SO DOES UNDER OATH, TO SHIELD AND DENY HIS ILLEGAL KILLING OF YEARLING SEALS.

[Hearing No. 9, pp. 445-446, Apr. 13, 1912, House Committee on Expenditure in the Department of Commerce and Labor.]

Mr. LEMBKEY. No, sir. I speak of the weights on the islands, and have brought in the London weights to show there is not really very much variation.

Mr. McGUIRE. That is what I am speaking about. The weights you speak about after salting are the London weights?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. That is what I was trying to get at. Now, then, Mr. Elliott, what weights do you speak about?

Mr. ELLIOTT. I speak of the London "salt weights" increasing the "green weights" on the islands one-half pound and more, as the skins vary in size.

Mr. McGUIRE. You speak of the green weights in London after they have been salted?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And Mr. Lembkey spoke of the weights in London after they have been salted.

Mr. ELLIOTT. We are both speaking of the same thing.

Mr. McGUIRE. You say there is a slight decrease?—no—You say, Mr. Elliott, there is an increase from a fraction of a pound to a pound, even in London?

Mr. ELLIOTT. Even in London. I wish to quote as my authority the man who does the classifications in London, Sir George Baden-Powell, and Dr. George M. Dawson, the British commissioner, addressed a letter to Sir Curtis Lampson.

The CHAIRMAN. What do they say?

Mr. ELLIOTT. They say:

"We are unable to answer your inquiry as to what class the sales catalogue would place a skin classified on the island as, say, a 7-pound skin, as we do not know whether the classification you mention with reference to the skins is taken after ——— or after they have been cured and salted ready for shipping. The process of curing and salting must of necessity add to the weight.

Mr. LEMBKEY. "Must of necessity." I submit that was merely his inference that they must of necessity be increased in weight.

The CHAIRMAN. Is that not true?

Mr. LEMBKEY. No, I stated it was not.

The CHAIRMAN. You differ on that?

Mr. LEMBKEY. All our experiments show that the salting of skins slightly decrease the weight. Those gentlemen's inference—and I think the inference of a great many people who have never made

an experiment on that point—would be that the salt does increase it.

The CHAIRMAN. Are these gentlemen qualified in your opinion to pass judgment on that question?

Mr. ELLIOTT. The Lampsons?

Mr. LEMBKEY. I should like to have had Sir Curtis Lampson, or whoever this man is, make some practical experiments with regard to variations in weight, and not simply give his opinion.

The CHAIRMAN. There seems to be a difference there in opinion on a very important matter.

Dr. EVERMANN. May I say just a word?

The CHAIRMAN. Yes.

Dr. EVERMANN. This statement that Mr. Elliott has read gives the opinion of that gentlemen as to the effect of salt. He does not claim to have weighed any skins green, and then subsequently weighed those skins after having been salted to determine the effect.

*Deceit practiced by Bureau of Fisheries to conceal the illegal killing of small seals on Pribilof Islands.*

THE DECEIT AND TRICK.

The salt is all removed from skins before weighing, so as to show that the "salt weights" are less than the "green" weights.

Dr. EVERMANN. Last year, when Mr. M. C. Marsh, naturalist, fur-seal service, went to the Pribilof Islands, he was instructed to make certain investigations, one of which was to determine by actual experiment the effect that salting has upon the weight of fur-seal skins. He made a very careful investigation of the matter, and his report has just been received. It is so interesting and valuable that I wish to put it in the record. His investigation settles the question conclusively and for all time. It shows that salting causes fur-seal skins to lose weight. The report is as follows:

The average loss of weight for the whole 60 skins is 0.63 pound, or 10 ounces. This is an understatement of the average loss of weight, which, I believe, is at least an ounce greater. The reason is that it is practically impossible to mechanically remove all the salt from the skins before reweighing. They were shaken, swept, and brushed, but a few grains and crystals of salt were always left adhering to each side of the skin. Obviously it would not do to wash them off. By more carefully cleaning a few of the reweighed skins and then again weighing them, I estimate this residual salt to average an ounce or something more.

THE DECEIT EXPOSED.

The salt and skins are weighed together in the London classification—that increases the "green skin" weights.

Mr. ELLIOTT. Now, in Senate Executive Document No. 177, Fifty-third Congress, second session, pages 117 and 118 [Senate Executive Document, 177, pt. 7], counter case of the United States, on page 118 the United States commissioners, Merriam and Mendenhall, have this to say touching the salted weights:

"The British commissioners further rely upon Mr. Elliott's statement that skins weigh from 5½ pounds to 12 pounds (sec. 672), and upon the comparison of such statement with that of Lieut. Maynard, an independent observer, who gives the average weight of bundles as 22 pounds and the weight of the largest as 64 pounds (sec. 672). This appears to the commissioners to require some explanation (sec. 673). The implication is evident, and the United States offer the explanation in vindication of the officers of the Government who are thus charged. A bundle contains not only the two skins proper, but salt and blubber with which they are packed for their preservation. This naturally adds greatly to the weight, as does also the moisture collected by the salt and fur."

That sustains me completely about the increased weight of "green" skins after they are cured on the islands, and our Government carried that claim as a voucher

The careful identification of every skin and the care given to every detail of the weighing make it quite certain that the salting of sealskins as practiced on St. Paul Island subtracts materially from its original weight when freshly skinned. Presumably, though not necessarily, the London weights reported are less than the actual weights of the skins at the island killings. If any change takes place during transportation to London, it is likely to be a further loss. (Hearing No. 14, pp. 974, 975, July 29, 1912.)

to Paris. It was never disputed by either side at those sessions of the Bering Sea Tribunal, held there from April to August, 1893.

Dr. EVERMANN. I would like the chairman to ask Mr. Elliott to tell the committee on what skins the statement he just read was based.

Mr. ELLIOTT. It is in the report of Lieut. Maynard. It is there, and is cited in the communication of the commissioners—

The CHAIRMAN. That is your answer—

Mr. ELLIOTT. And the report of Lieut. Maynard is in my monograph, and I will go right to the page if you want it (pp. 106-107, Elliott's Monograph Seal Islands, Tenth Census, United States of America, Washington, 1884). (Hearing No. 14, p. 995, July 29, 1912.)

In the foregoing statements we have made an exhibition of 400 skins which were taken (as they have been loaded by the lessees since 1890), July 7, 1913, on St. Paul Island; they are all now tagged, numbered, and recorded as to salt and green weights and measurements.

In the light of the exposé which they give it is interesting to regard the following testimony, at the outset, to wit:

[Hearing No. 10, p. 566, Apr. 24, 1912, House Committee on Expenditures in the Department of Commerce and Labor.]

Dr. EVERMANN. On page 222 of these hearings Mr. Elliott says that, in arriving at his estimates of the numbers of yearling seals taken as set forth in the table submitted by him, and printed on page 220, he was guided "solely by measurements. The weights do not amount to anything," he says. The London people would be the biggest fools in the world, he says, to go by weights. And he shows how foolish it would be for the killers on the islands to leave an extra amount of blubber on the skin. He says that when he pointed out to the people on the islands that the skins in London were classified by measurement rather than by weight they quit blubbering them. (P. 222.)

Mr. ELLIOTT. They didn't quit blubbering them; they kept on.

Dr. EVERMANN. Then that statement is not true?

Mr. ELLIOTT. I said they might quit it; but they did not; they kept right on, and they are still at it, very clearly.

Dr. EVERMANN. On page 223 Mr. Elliott states specifically that the skins are classified in London entirely by measurements not by weights.

Mr. ELLIOTT. I do now.

[Hearing No. 9, p. 406, Feb. 29, 1912.]

Mr. LEMBKEY. There are five different weights given by Mr. Elliott, and I have compared them in this statement.

Mr. MADDEN. Let us clear it up right here, if we can, without any prejudice. I would like to ask Mr. Elliott a question if I may be allowed to, Mr. Chairman, just to clear up this. I understood Mr. Lembkey to testify that Mr. Elliott claimed that a seal of a certain age, a sealskin of a certain weight, would indicate the seal's age. For example, in his official reports, he said a certain aged seal would have a skin weighing  $4\frac{1}{2}$  pounds, and that a certain other aged seal would have a skin weighing  $5\frac{1}{2}$  pounds, and that later on Mr. Elliott had stated that these skins varied from 6 to 7 pounds. Now, I understood Mr. Elliott to say, and I want to get it correct in the record so as to do justice to Mr. Elliott, as well as to Mr. Lembkey, that when he makes the statement of 6 to 7 pounds that he means the salted skins.

Mr. ELLIOTT. Yes, with more or less blubber and salt per skin.

Mr. MADDEN. And in the case where he makes the flat statement of  $4\frac{1}{2}$  to 5 pounds, it is a green skin.

Mr. ELLIOTT. A "green skin," and that creates all these differences.



Mr. MADDEN. I wanted to straighten that up so there would not be any misunderstanding about it. I think it is only fair to all sides.

Mr. ELLIOTT. My official tables are all "green" weights. Interpreting the London tables, I take salt weights and keep the London measurements corresponding with the official record of measurements made on the islands.

Mr. MADDEN. Your idea is the salt weight of the skins would vary  $1\frac{1}{2}$  pounds?

Mr. ELLIOTT. One and one-half pounds according to blubber and salt.

Mr. MADDEN. Only green skins.

Mr. ELLIOTT. Yes, sir; and the London agent says so.

Mr. MADDEN. So, as a matter of fact, if in the one case it was stated by Mr. Elliott a skin would be  $4\frac{1}{2}$  pounds, and another case  $5\frac{1}{2}$  pounds, and later on 6 and 7 pounds, that it was understood that one was green and another salt, then his statements in both cases would be correct?

Mr. ELLIOTT. Yes; all the time bear in mind that the weights were unreliable, and the measurements only, reliable, all through my testimony.

The CHAIRMAN. Did Mr. Lembkey understand it in that way?

Mr. LEMBKEY. I certainly did not. I stated I was very much confused in encountering the different weights for these different classes of skins.

Mr. MCGILICUDDY. I think you will find he takes up that matter of blubber and salt.

Lembkey, finally cornered, admitted that the London classification ignored his weight of skins, then attempts to deny his understanding.

[Hearing No. 9, p. 447.]

Mr. LEMBKEY. Yes, the blubber would.

Mr. ELLIOTT. All that can be done, can it not?

Mr. LEMBKEY. I might state here, while you are on that point, that it would not alter except in perhaps a very slight degree the classification of that skin when it was received in London by the factors.

Mr. ELLIOTT. Certainly.

Mr. LEMBKEY. You might make a yearling skin weigh 9 pounds by the adding of blubber, yet when it got to London it would be only so long and so wide.

Mr. ELLIOTT. That is it.

Mr. LEMBKEY. And of course it would develop in the classification when the skins would be exposed for sale.

The CHAIRMAN. Do you mean by that that you rely when it gets to London on the measurement rather than on the weight?

Mr. LEMBKEY. We do not have anything to do with this classification.

The CHAIRMAN. I know, but somebody does.

Mr. LEMBKEY. Mr. Elliott is making the point—

The CHAIRMAN. You have just said that no matter how much blubber there was on it it would not alter the length and width.

Mr. LEMBKEY. Certainly not.

The CHAIRMAN. Then do you rely upon the length and width of it rather than on the weight to determine its age?

Mr. LEMBKEY. No, sir.

But he finally is compelled to admit that the measurement of the salt-cured skin is a reliable indication of its age.

[Hearing No. 9, pp. 399, 400.]

Mr. MCGILICUDDY. If you took a young skin and for the purpose of making it appear by weight older, you could deceive?

Mr. LEMBKEY. We certainly could deceive. We could fill it with any sort of substance.

Mr. MCGILICUDDY. You say measurement would not be reliable because it might be stretched. Suppose you did not stretch it, suppose you take it honestly, then would it be, if honestly taken, would it be a test?

Mr. LEMBKEY. I tried to make that clear to the committee.

The CHAIRMAN. That is a direct question. Why do you not answer it?

Mr. LEMBKEY. I am attempting to. It is impossible; of course all our actions up there are honestly—

Mr. MADDEN (interposing). Answer the question right straight. Do not try to explain it.

Mr. LEMBKEY. I have attempted to state that in measuring a green skin it is impossible to find out its exact length when you lay it on the ground, because it may curl up, or roll, or stretch, and it can only be measured after it has become hardened by salt.

Mr. MCGILLICUDDY. Then it will not stretch?

Mr. LEMBKEY. Certainly not.

Mr. MCGILLICUDDY. That is the proper time to measure it, after it has become rigid and stiff?

Mr. LEMBKEY. Certainly.

Mr. MCGILLICUDDY. You can not then stretch or shrink it?

Mr. LEMBKEY. No, sir.

Mr. MCGILLICUDDY. With an honest measurement of that kind of skin would it not determine the age?

Mr. LEMBKEY. I fancy, yes.

Mr. MCGILLICUDDY. Is there any doubt about it?

Mr. LEMBKEY. I do not think so. I say, fancy, because I never attempted to judge of age by the measurements.

Mr. MCGILLICUDDY. In that way, if anybody wanted to, they could not deceive, because you say they could not stretch it?

Mr. LEMBKEY. You could not stretch it after it had been salted four or five days, because the skin then is not very pliable.

Mr. MCGILLICUDDY. Then it is your idea that measurement is reliable after a certain number of days?

Mr. LEMBKEY. Yes, after it has been in salt, but when the skin is green it would not be a reliable test.

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### EXHIBIT G.

Copies of official entries in the journal of the United States Treasury agent's office, St. George Island, showing the impossibility and the futility of getting an accurate "count" of all the live pups on a fur-seal rookery.

Extracts in recounting live pup seals taken from the official journal of the agents of the Government in charge of St. George Island, Bering Sea, Alaska. These records show the impossibility of getting an accurate count of all the live fur-seal pups on any breeding rookery.

These entries under the respective dates, as follows, state facts, to wit:

OFFICE UNITED STATES TREASURY AGENT IN CHARGE,  
*St. George Island, Alaska.*

*August 1, 1901.*—With George and Joe Merculief went to Little East to count last pups and to determine thereby how much resistance may be expected from bulls at this early stage.. The pups were podded and driven east, being carefully counted as they narrowed out. Others under rocks and in coves were pulled out by hand and counted separately. The number counted was 631. As the total number is 434 less than we counted last year, a recount of the rookery will be made to-morrow.

In the afternoon, with George Merculief, Mike Lestenkof, and Rev. Kashavarof, counted the pups on north rookery. The same methods were used, except that from the roughness of the rookery space much more trouble was experienced. Here, however, the bulls were holding their positions without giving ground, and greatly hampering our count. We succeeded in passing from one end of north rookery to the other, finding in that stretch 1,148 pups, but in the western end of the rookery we were in some places unable to get farther than the edge of the rookery, because of numbers of bulls holding from one to

five small cows each. In these places the count had to be made from the most advantageous position. Our total of 3,741 pups for the whole of north rookery is 2,004 less than the count of last year. We clubbed at least 10 bulls, having several narrow escapes ourselves, the clubbed bulls in every instance reviving and returning to the attack. I do not accept the count as satisfactory, and will go over the ground again in a day or two.

*August 2, 1901.*—Counted pups this morning on Little East and East Reef. No trouble from bulls was experienced, and a very satisfactory count was made. I took with me to-day M. Merculief, and we counted together, he having counted with Maj. Clark last year. We used the same methods of counting as he did. Our figures were as follows: Little East, 847 pups; East Reef, 787 pups. The difference between my figures to-day and yesterday for Little East is considerable, but I believe the count to-day is more accurate. While I felt satisfied with yesterday's count, I believe that one person counting can not cover the ground as well as two. We had no interference on the East from bulls. We went then to east rookery proper and began a count, but after working for an hour I found that the four men with me were not enough to keep off the bulls and handle the pups at the same time. We, therefore, returned to the village at noon, and after dinner returned to east rookery with seven men. With them the bulls were put off and kept off, and the pups handled in much more satisfactory manner. The total number we found to be East, 2,075 pups. Adding to this the number on East Reef, we have East 2,075; East Reef, 787, against 3,047 for last year. Dead pups, Little East, 6; East Reef, 3; East, 36.

*August 5, 1901.*—With Nikolai, George and Joseph Merculief, I counted pups on Starre Arteel this morning. A total of 2,346 live pups were found there. Our counts were very satisfactory. Nikolai and I counted some pups in many instances, and on several occasions our counts were exactly the same. In other cases our differences were only two or three. Our greatest difference was 15 pups in a pod of over 200, and in that instance I split the difference.

In the afternoon I counted with the same men the pups on north rookery. I detailed George to count dead pups, and the other two men counted live ones. As before, the bulls in many instances were tenacious and charged us instead of going the other way. One small cow having a new born pup charged us several times, and then picked up the pup in the mouth and carried it farther away from us. Three newly born pups were found, two with placental still adhering. Quite a number of small cows appeared to be still not served, and with these is always found a green, pugnacious bull. Our total was 4,503 live pups for north rookery and 125 dead pups. At the western end of the rookery we were unable to cover a space of 50 yards because of the presence of fighting bulls. For that space we counted 395 pups, all we could see from the edge of the rookery, and to that added 100 for those below, which were hidden by a drop at the water's edge. I believe that there were at least 200 more pups there, but I do not feel willing to make the estimate too high. With this exception of 100, the figures given as the total represent pups actually counted.

*August 7, 1901.*—With Stepan Lekanof, A. Philamonof, and N. Malavansky, George, Joseph, and Nick Merculief, I counted pups on Zapadnie. We counted 4,113 live pups and 51 dead ones. Two

dead cows were found, one having died very lately, her skin bitten to pieces. Although the natives, who judge from the general aspect of the rookery, say there are more cows there this year than last, the count to-day is 1,229 less than the number given last year.

*August 3, 1902, Sunday.*—Counted pups, north rookery. Following are the results: Live pups, 4,852; dead pups, 43; dead cows, 3.

Note by Mr. Chichester: We were able to carry on the counting from one end of the rookery to the other without molestation from the bulls. The count on this rookery, while I feel satisfied is as accurate as could be made, is far from satisfactory. The greater portion is so filled with large bowlders, beneath which the pups go, where they can not be reached or even seen, and it is quite probable a number were missed in the way.

*August 5, 1902.*—Counted pups on east rookery. Found on the east reef 905 live pups and 10 dead. Count satisfactory and as near correct as possible to get. Under cliffs we found 2,040 pups and 42 dead.

*August 7, 1902, Thursday.*—To Zapadnie for counting pups. Satisfactory count, as follows: Live pups, 3,822; dead, 77; dead cows, 3.

*August 3, 1903, Monday.*—Mr. Chichester and self, with 4 men, counted the pups on Zapadnie rookery, finding a total number of 3,462. The count was under rather than above and very unsatisfactory.

*Thursday, August 6, 1913.*—Mr. Chichester and myself, assisted by George and Joseph Merculief, Nicolai Merculief, and Mike Shane and Gregory Swetsoff, counted the pups on north rookery. The aggregate proves to be 4,662. There were a few dead pups, but the bodies of such were generally devoured or partly devoured by the foxes. We therefore did not attempt to get the census of the dead. Three cows were found dead. One had evidently caught her head between rocks.

*Wednesday, August 17, 1904.*—Three boats returned with nice catch of sculpin, cod, and small halibut.

*July 20, 1906.*—At a favorable point on north rookery a cow in heat was teasing a bull, biting his neck and lifting up her hind parts, which the bull smelled. Shortly afterwards, he endeavored to copulate, but soon gave up the attempt, spread out on the rock, and went to sleep. The cow renewed her blandishments from time to time, but the bull had evidently reached his limit.

*Sunday, July 29, 1906.*—In afternoon Maj. Clark and I went with a whole gang of natives and counted live pups on north and Starre Arteel rookery. The count on north is far from satisfactory, but it is as good as can be made. Wherever it was possible the pups were hauled out from under the rocks, but in a number of instances it was impossible to do this, so the count is more or less guesswork.<sup>1</sup> Result, north rookery live pups, 3,749; dead pups, 105; dead cows, 3; Starre Arteel, live pups, 1,958; dead, 48.

*Monday, July 22, 1907.*—Visited north rookery and found the cows very panicky and family discipline all gone.

<sup>1</sup> As an illustration of the curious inaccuracy of these seal estimates made by the agents here, and honestly admitted as above (as well as on St. Paul), here is an entry made on Thursday, the 15th of July, 1909, which follows the work of the pelagic sealing fleet of the previous year, commencing August 1, and not ending until the middle of October following; in spite of that slaughter and loss of life from the census and count made by these men August 1, 1908, we find this entry: "Counted north rookery as follows, 109 harems, 2,777 cows, 13 idle bulls; total bulls, 122. Comparing the foregoing with last year shows a falling off of 100 cows and a gain of 7 bulls. But there are some bulls hauled with the bachelors, of which at least 5 should be counted as idle, making a gain of 10 bulls."

## ST. PAUL ISLAND JOURNAL.

*July 11, 1909.*—\* \* \* At 4 p. m. the *Rush* came to anchorage on the west side, and without dropping their anchor immediately dropped a boat over the side, into which Mr. George A. Clark, of Stanford University, was placed and taken ashore. \* \* \* Mr. Clark arrived under instructions from the department to investigate conditions surrounding the seal life at the present time. He was secretary to Dr. Jordan when the commission under that gentleman made its investigation of these islands in 1896 and 1897.

*August 2, 1909.*—\* \* \* In the afternoon Messrs. Judge and Clark and myself, with three native men, counted pups on Ketavie, finding on Ketavie 1,669 live pups and 60 dead, a total of 1,729, while on Amphitheater there were found 246 live and 4 dead pups, a total of 1,979 for both places. \* \* \* On the space involved, namely Ketavie and Amphitheater, Mr. G. A. Clark counted on July 13th last 53 harems, as noted in this record of the date mentioned. On the 15th I counted the harems there, finding 58. Upon the basis of Mr. Clark's count the average harem on the space counted would be 37.3, while on the basis of my count the average harem would be 34.1. I have adopted my count as the official figures. In view of the fact that Mr. Clark was more or less hurried in counting, due to the fact that he desired to catch the teams for Northeast Point which were waiting for him while he was counting. My count, however, was made two days later than the one made last year, and probably shows several harems more than if made on the 13th as heretofore.

## ST. GEORGE JOURNAL.

*Friday, July 16, 1909.*—Mr. George A. Clark landed from the *Manning* at about 10 a. m. He comes accredited to examine the rookeries. He is the secretary of President Jordan of Stanford University, California. In the afternoon went with Mr. Clark to east rookery. It was impossible to prevent all of the bachelor killables and many of the cows from being driven into the water. Mr. Clark did not count the cows. It is not possible to do so in the time given to individual harems.

*Saturday, July 17, 1909.*—Mr. Clark and Mr. Chichester went to Zapadnie to examine rookery. Mr. Chichester and Mr. George A. Clark counted bulls at Zapadnie, at Starre Arteel, and north rookeries. Mr. Clark and Mr. Chichester agreed in their counts.

*Sunday, July 18, 1909.*—The *Manning* sailed for St. Paul at 7.30 a. m.

*Tuesday, August 3, 1909.*—In the afternoon it cleared off, and I went to north rookery with Mr. Chichester and 5 native men and counted the pups with the following results: Living pups, 3,679; dead pups, 105; dead cows, 2. While the count on this rookery is always difficult and unsatisfactory, I think it was about as good as usual.

*Friday, August 6, 1909.*—Went in afternoon to little east rookery and counted pups. The result shows 138 living and 1 dead pup. One dead cow partly eaten by the foxes. In 1908, when I examined

this rookery, it showed 1,135 living pups. It has dwindled from year to year, until only the pitiful number above given remains.

*Friday, August 4, 1911.*—Took force of natives and with help of Dr. Mills counted the pups on north rookery. The count was very unsatisfactory, several bulls holding the young cows, causing the massing of the pups, and many of them to go into the water at the end of the rookery. The aggregate obtained was 4,146 pups, which approximately is a correct one. The dead pups were 155.

*Wednesday, June 12, 1912.*—The supply steamer *Homer* came in at 6.30 a. m. and brought the following named passengers: \* \* \* Mr. George A. Clark and son from Stanford University, who are to count the seals, Mr. J. C. Redpath, formerly company agent, for his health.

*Monday, July 29, 1912.*—Mr. Clark and his son went to Zapadnie to count pups, starting at 8.30 o'clock. Mr. Clark returned from Zapadnie in violent rainstorm, completely wetted through. He counted — pups at the Zapadnie rookery.

*Tuesday, July 30, 1912.*—Mr. Clark and his son went in afternoon to east rookery and made count of the pups. Mr. Clark reported as follows: East Cliffs 2,307, including dead. Found on East Reef, pups, 536; on Middle East, one harem, 26 pups. The total pups on Zapadnie and East is 4,115.

*Wednesday, July 31, 1912.*—Mr. Clark and his son Paul went in morning with two native boys to assist and counted north rookery. North rookery shows 4,227 pups. In the afternoon Mr. Clark and his son Paul went to Starre Arteel and counted the dead and living pups, with the result that there were found on this rookery 3,607 living pups, a surprise to us all. This rookery was supposed to have a much smaller number.

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## EXHIBIT H.

AN EXHIBITION OF THE REMOVAL AND SUBORNATION OF THE UNITED STATES AGENTS, ON THE SEAL ISLANDS OF ALASKA, WHO WERE DOING THEIR SWORN DUTY, BY THE LESSEES THEREOF: 1891-1909. TAKEN FROM THE OFFICIAL RECORDS ON THE SEAL ISLANDS, AND BRIEFED FROM THE SWORN TESTIMONY TO HOUSE COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE, 1911-1912.

Proof of the removal and subornation of the United States agents on the Seal Islands by the lessees and their confederates. An exhibition of the summary treatment given to Treasury agents who did not serve the Seal Island lessees and do their bidding (said seal lessees being the North America Commercial Co., of San Francisco and New York).

In 1890, July 20, the chief special agent in charge of the Seal Islands, Charles J. Goff, stopped the work of the lessees on July 20, because they were killing female seals and injuriously driving the young male seals in vain, to get their quota of 60,000. For doing this, his sworn duty, in—

1891, April 5, Chief Special Agent Goff was removed, as follows, and a "docile" man put in his place:



MR. ELLIOTT.—CONCERNING THE “OGDEN MILLS LETTER” TO SECRETARY CHARLES FOSTER, APRIL 2, 1891, AND ITS INCLOSURES.

[See pp. 311, 312, Hearing No. 7.]

On Saturday, August 5, 1911, Mr. Bowers read into the record of this committee, for the purpose of discrediting me, a copy of a letter which I have searched in vain for during the last 16 years; it was the “Ogden Mills letter” of April 2, 1891; it asked Secretary Charles Foster, Treasury Department, to immediately overrule all the sworn official reports of his own special agents on the seal islands, and issue to the North American Commercial Co. (the lessees) a permit to kill 60,000 seals on the Pribilof Islands during the season just ahead—the summer of 1891 (“if they can be found”).

These agents of the Treasury on the seal islands, four of them—Chief Special Agent Charles I. Goff and assistants, Joseph Murray, S. W. Nettleton, and A. W. Lavender, had all united August 1–14, 1890, in specific reports which urged that the Secretary of the Treasury permit no killing of seals in 1891 by the lessees, and for an indefinite future; those reports were supplemented by mine, dated November 19, 1890.

The tragic, sudden death of William Windom, January 29, 1891, brought a successor to the Treasury whom the lessees seemed to have completely in their control, for so complete was that control that the following astonishing record is made in the premises, started April 25, 1891, by issuing that killing order April 11 following and the full sequence of the “Ogden Mills” letter, above cited, to wit:

The sole warrant which this letter gave to Secretary Foster for asking him to set aside the verdict of those sworn officials above cited was “the inclosure of a series of five affidavits” and a letter, “signed by Capt. Healey, U. S. R. M.,” all of whom declared in their “affidavits” and statements that after that date on which the lessees’ work was stopped, July 20, 1890, the seals “hauled out” in large numbers suddenly, and there were plenty of fine killable seals to be had, and would have been secured by the lessees if Elliott and Goff had not unjustly and perfidiously used their official authority to so order that stoppage.

This letter, though signed by Ogden Mills, was really written by George R. Tingle, who was the general manager of the lessees on the seal islands. Mr. Mills never could have written such a false and detailed letter of his own knowledge, and had he known the truth of what he was writing about, I firmly believe that he would have refused to sign it. I can not think otherwise, because it was such a letter.

In the first place, all those affidavits he has cited must have been made after the 14th of August, 1890. They were made by the employees of the North American Commercial Co. under pressure from George R. Tingle, who also signed one of them; they were supplemented by a letter to Secretary Charles Foster, from Capt. Michael Healey, U. S. Revenue Marine, who touched at the islands in October, 1890, and who wrote to Foster about the “seals being as numerous then as they had ever appeared to him in all previous years.” (Think of such a statement from such a man, who knew so little!)

Those “affidavits” were simply bogus—they were false *ab initio*. They were received by Mr. Foster on April 3, 1891, in this Mills letter aforesaid, and then what happened?

On or about the 5th of April Mr. Charles I. Goff was called into Secretary Charles Foster’s office and told that he need not concern himself with the seal-island business any further; that “the department had other business for him to transact at Montreal,” Canada (i. e., looking after immigration cases). Goff was directed to proceed there forthwith (and he did). No complaint against him was uttered by Foster—just called him in and sent him to Montreal in the “regular order of official business,” which governs all the special agents. Goff was astonished; he was speechless, but obeyed.

Then what happened? On or about April 9 a man named W. H. Williams was appointed “Chief special agent of the seal islands, vice Goff, transferred;” and on April 11 this man started for San Francisco from Washington with a secret permit from Secretary Charles Foster, dated April 11, to the North American Commercial Co., giving them authority, as lessees, to kill 60,000 seals on the Pribilof Islands during the season just ahead, “if they can be found,” etc. (Hearing No. 10, pp. 662, 663, Apr. 24, 1912, House Committee on Expenditures in the Department of Commerce and Labor.)

Following this removal of Mr. Goff, we have found by inspecting the official journal of the United States special agent’s office, on St. Pauls Island, that on May 21, 1891, United States Special Agent A. W. Lavender, having sent word to the Treasury Department that the lessees were not living up to the terms of their contract, and being



guilty also of having joined in with Special Agent Goff August 1, 1890, in the same recommendation that the work of the lessees be suspended for the public good, gets summarily removed upon a trumped-up "charge," false and silly, the entries showing this are as follows, to wit:

On page 362 of the official record of the Treasury agent, St. Pauls Island, the following entry is made by Assistant Special Agent S. W. Nettleton, to wit:

*Tuesday, June 23, 1891.*—The following official communications and telegrams were received by Treasury agent and Maj. H. Williams before sailing from and while in San Francisco:

WASHINGTON, D. C., *May 21, 1891.*

WILLIAM H. WILLIAMS, *Special Agent,*  
*Care of Collector of Customs, San Francisco, Cal.*

On the seal islands there are 2,371 salted sealskins,<sup>1</sup> 1,255 of which are claimed to be merchantable. Balance rejected skins. Deliver all to North American Commercial Co., subject to future settlement.

CHARLES FOSTER, *Secretary.*

Attest: True copy. A. F. GALLAGHER.

WASHINGTON, D. C., *May 21, 1891.*

This is the "report" from Lavender, which caused his removal:

UNITED STATES TREASURY DEPARTMENT,  
*May 21, 1893.*

WILLIAM H. WILLIAMS, *Special Agent,*  
*Care of Collector of Customs, San Francisco, Cal.*

Report from Lavender just received per steamer *Bear* that natives on St. George Island were insufficiently supplied during last winter with food and fuel and consequently suffered hardship. Notify North American Commercial Co. that at least 70 tons of coal will be required for that island during coming winter.

O. L. SPAULDING,  
*Assistant Secretary.*

True copy. Attest:

A. F. GALLAGHER.

This stirred Liebes, Tingle, Redpath, et al., up, and they lost no time in fixing up "charges," as follows. Their willing tool in the Treasury Department sends the following improper dispatch in the light of the department's orders of March 26, 1890, to wit:

WASHINGTON, D. C., *May 22, 1891.*

WILLIAM H. WILLIAMS, *Special Agent,*  
*Care of Collector of Customs, San Francisco, Cal.*

It is charged that Special Agent Lavender has neglected his duties, has abused and insulted Mr. Fowler, and also Dr. Herford, because the latter refused to give him money to buy skins. that he has been engaged in buying skins, of which he has a large collection. Investigate, and if he has skins in his possession, compel their delivery to company upon payment of a reasonable price therefor, to the natives.

(Signed) O. L. SPAULDING,  
*Assistant Secretary.*

True copy. Attest:

A. F. GALLAGHER.

What were these "charges" which declared that he had been "engaged in buying skins" of the natives, etc.?—witness the following—

The following order of the Treasury Department declares that Lavender had not been violating any rule of the department, as an

<sup>1</sup> These were a series of "small pup" or yearling skins, taken by the old lessees in 1889, which were not accepted by the new lessees in 1890; but when they were shut out by the *modus vivendi* from getting more than 7,500 skins in 1891 they reached out for them.—H. W. E.

officer, in buying skins from the natives, who have ever since 1868 been selling "pup" and yearling sealskins which they have been permitted to tan and dress for such barter, also fox skins. The following specific permit declares that Mr. Lavender in "buying skins" from the natives (he could buy from none other) was doing exactly what he had a right to do and what every officer of the Government, and visitor since 1868 to those islands, had done without objection from anyone or challenge from the lessees. (Copied from Official Journal, United States Treasury agent, St. Paul Island).

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
March 26, 1890.

CHARLES J. GOFF, Esq.,  
Chief Treasury Agent,  
Seal Islands, Alaska.

SIR: \* \* \* Until otherwise instructed you will grant the natives the privilege of selling the pup skins allowed them by law, including such articles as they may trap and kill during the winter, provided that no contraband merchandise or spirituous liquors are received in exchange for them. \* \* \*

GEORGE C. TICHENOR,  
Assistant Secretary.

A true copy. Attest:  
HENRY W. ELLIOTT.

In spite of this official order (which gave Lavender a clean bill of health), on Monday, July 23, 1893, Capt. A. W. Lavender was "relieved" at St. George Island, under "order" of "Chief Special Agent J. B. Crowley," dated July 20, 1893, who directs him to "surrender" his office to his (see p. 156, Treasury agent's journal, Monday, July 23, 1893) "successor" (one Ziebach, who is both "docile" and subservient).

These men, United States Special Agents Goff and Lavender, not being "docile," were thus summarily deposed by Liebes (Tingle, Redpath) and Elkins, the contractors, who, greedy to get all in sight, find them in their way. The shame and pity of it, that such venal officials "high up" should have been in control of this valuable public property on the islands and in Washington.

Since this summary deposition of Goff and Lavender was made ostentatiously on the islands to the natives as well as to all the white residents thereon by Liebes' tools, Tingle and Redpath, then the other special agents, Murray and Nettleton, recanted, ate up their truthful words of 1890, and mired themselves down in the shameful service of those public enemies, whom they were supposed and trusted to control and curb.

No man has, as a United States agent, been on these islands since 1890 up to the date of 1913, whom these greedy lessees and their tools in Washington did not send there or else direct when there and away from there.

When the agents of the House Committee on Expenditures in the Department of Commerce went up to these islands in July, 1913, the first free and open examination was made of the condition of affairs thereon, which has been permitted since 1890.

This oppression, domination, and subornation of those United States Treasury agents by the lessees, which is so well illustrated in these cited cases above of Chief Special Agent Goff and Assistant Special Agent Lavender, becomes still more pronounced and offensive in the following case.

When the sealing *modus vivendi* of 1891 was officially published in Washington, D. C., June 15, 1891, its terms ordered a total suspension of the lessees' work on the islands for the year, save the killing of 7,500 seals for "natives' food," to wit:

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF HER BRITANNIC MAJESTY FOR A *MODUS VIVENDI* IN RELATION TO THE FUR SEAL FISHERIES IN BERING SEA.

For the purpose of avoiding irritating differences, and with a view to promote the friendly settlement of the question pending between the two Governments touching their respective rights in Bering Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party:

(1) Her Majesty's Government will prohibit, until May next, seal killing in that part of Bering Sea lying eastward of the line of demarcation described in Article No. 1 of the treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

(2) The United States Government will prohibit seal killing for the same period in the same part of Bering Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

(3) Every vessel or person offending against this prohibition in the said waters of Bering Sea outside of the ordinary territorial limits of the United States may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proof necessary to establish the offense shall also be sent with them.

(4) In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view to the presentation of the case of that Government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

Signed and sealed in duplicate at Washington this 15th day of June, 1891, on behalf of their respective Governments, by William F. Wharton, Acting Secretary of State of the United States, and Sir Julian Pauncefote, G. C. M. G., K. C. B., H. B. M., envoy extraordinary and minister plenipotentiary.

WILLIAM F. WHARTON.  
JULIAN PAUNCEFOTE.

On the 3d of May, 1891, preceding this publication of the above *modus vivendi*, the daily papers published an order from President Harrison revoking a secret permit for the lessees to kill seals on the islands during the season of 1891, just ahead. That this action of the President was due to the uncovering of a shameful deal between the lessees and certain high officials the following sworn testimony declares beyond dispute. After Mr. Goff was "transferred" April 5, 1891, the following sworn testimony (which no one has presumed to deny) declares what took place at the instance of the lessees, in Washington:

[Hearing No. 10, pp. 665, 666, April 24, 1912, House Committee on Expenses in the Department of Commerce and Labor.]

Mr. ELLIOTT. Then what happened? On or about April 9 a man named W. H. Williams was appointed "Chief special agent of the seal islands, vice Goff, transferred;" and, on April 11, this man started for San Francisco from Washington with a secret permit from Secretary Charles Foster, dated April 11, to the North American Commercial Co., giving them authority, as lessees, to kill 60,000 seals on the Pribilof Islands during the season just ahead, "if they can be found," etc.

In order to fully understand what this secret permit thus given to those lessees really was—what an infamous transaction it really was—it is necessary for this committee to look back of April 2, 1891 (when the Mill's letter was dated), a little ways, to observe the following facts, to wit:

On November 19, 1890, and on January 6 following, Secretary William Windom and Henry W. Elliott went over to the residence of James G. Blaine, Secretary of State, in Lafayette Square. In his study there, on both occasions, Mr. Blaine discussed with Windom and Elliott the whole fur-seal question, and after a long session (on January 6) Mr. Blaine agreed to lay aside the claims of the lessees and adopt the Elliott *modus vivendi*, only stipulating that the closed season called for in it should be five years instead of seven.

On January 6, 1891, Secretary Blaine declared to Henry W. Elliott, in the presence of Hon. Nelson Dingley, jr., chairman Ways and Means Committee, House of Representatives, that he was busy with the details of arrangement for this *modus vivendi*. He asked Elliott to be patient; to say nothing, and write nothing about it. Mr. Elliott promised him that it should be done, and he obeyed that request faithfully.

On April 7, 1891, Mr. James G. Blaine pledged himself to Sir Julian Pauncefote, the British Minister, during a conference at the State Department, to that *modus vivendi* plan of Elliott's, provided this offer was made officially, as first coming from Lord Salisbury. Sir Julian Pauncefote accepted the terms, and sent them by post that day to the British Premier in London. (See British Blue Book covering these dates, "U. S.," etc.).

On April 11, 1891, Secretary James G. Blaine authorized Charles Foster to give a secret permit to Stephen B. Elkins, for the lessees, authorizing the killing of 60,000 seals, "if they can be found" on the seal islands of Alaska! Think of it! Only four days earlier this high official had promised to suspend all killing on the islands if the British Government would do so in the water, and if the British Government would make this [his] offer of suspension to officially appear as if first coming from Lord Salisbury. And Sir Julian had at once engaged to carry it out, and was then busy with it! (See British Blue Book, "U. S.," March-June, 1891, covering these letters, etc.).

Now, your committee can realize the pressure which the "Ogden Mills" letter of April 2, 1891, exerted on these particular high officials of our Government; what use those false "affidavits" were put to, you can understand.

How was that secret permit of April 11 found out and soon made public? By the rarest of accident. It was thus:

On or about April 8, Sir Julian Pauncefote was a guest at a certain private or social dinner given to him. His hostess sat beside him; during the progress of this entertainment, Sir Julian remarked to her that he believed that he had been instrumental at last in settling the vexed fur-seal question, and that Mr. Blaine and he had just agreed that no further slaughter on the islands or in the Bering Sea was to take place for at least six or seven years, or that until both Governments had thoroughly investigated the conditions, no killing was to be resumed, at least.

On the evening of April 11, following, this lady was at another social entertainment; and there overhead the attorney for the North American Commercial Co. congratulate an unknown person who stood beside him in the reception line over their success during the day in getting Charles Foster to give them a permit to kill seals; that "nobody in Washington knew anything about it," and "nobody was to know anything about it" either, etc.

In a moment it flashed on the mind of this lady that Sir Julian had been duped or those men were in error; second thought told her that the lessees' attorney (Gen. N. L. Jeffries) was one who knew his business, and it must be true. She had heard me tell how Mr. Blaine was pledged to a close season; so, on the following day she called on me at the Smithsonian Institution and told me of what she had heard, all as above stated.

Astonished and mortified, I at once set to work to find out the truth. I knew that if this was a secret permit, that if I went up either to Mr. Blaine or to Secretary Foster, they would not admit it; it must be secret or it would be published, and I would, too, have been called in and notified of such an order, and the reasons why it was given over the denial of it by myself and all of the official reports of the department's seal agents. As Congress had adjourned March 4, 1891, there was no way of getting a resolution of inquiry and the like introduced and passed. I therefore asked Congressman William McKinley, Jr., who was still in the city, to call on Secretary Charles Foster and put this inquiry sharply and squarely up to him.

Maj. McKinley did so. On Monday morning—I think on or about April 14, 1891—he called on Foster at the Treasury Department. Later, same day, he reported to me that Foster first shirked the answer; then admitted that he had given this secret

order on April 11, and had given it after a full understanding with Mr. Blaine, who on that day had informed him that there was no hope of getting any *modus vivendi* from Great Britain; that "the British were ugly," etc.

This report of Maj. McKinley aroused my suspicions as to the status in so far as Great Britain's part in the business was concerned. I knew all the time that the Canadians opposed my plan; but I had taken two letters over to Secretary Blaine in January and February, 1891, written to me from London, and by a gentleman who was very close to Lord Salisbury. These letters assured me that Salisbury was in favor of my *modus vivendi*. (I gave those letters to Mr. Blaine and he kept them.)

If anything was to be done to stop this infamous killing permit thus started under cover, it must be done at once and before the lessees' vessel was loaded in San Francisco and cleared for the islands. I knew that such a permit would be flashed instantly over to them there, and that this work of getting ready for the season's killing was surely under way.

On the 22d of April, 1891, I learned directly and positively that the British premier was not "ugly," was not aware of the fact that he was secretly misrepresented here by our own high officialism in charge of this fur-seal question. Knowing this, then, I took the only step I could take as a good citizen to stop this infamous game as played between the lessees and Secretary Charles Foster, using Secretary Blaine as their shield. I wrote a brief, terse story of it, and signed my name; then addressed it to the New York Evening Post on the evening of this day, April 22. That letter was published in that paper Friday, April 24, 1891. It stirred official Washington from top to bottom in the State and Treasury Departments. This exposure of that secret-killing order went all over the United States instantly in the press dispatches, and it caught the eye of President Harrison, who at this time was on a railroad-touring circuit of the Pacific coast and somewhere in California. He vetoed this infamous killing order by wire, either from Los Angeles or San Francisco, on May 3, 1891 (or from some point in California). This was published in the New York Herald May 4, 1891.

Thus, Mr. Chairman and gentlemen of the committee, you see clearly step by step the sin and shame and public loss wrought by this "Ogden Mills" letter, which has been read into your record by Mr. Bowers on the 5th instant and done by him in the fatuous conceit that it discredited me; that those bogus "affidavits" and that false letter of Capt. Henley, which it inclosed to Secretary Charles Foster, branded me as a conspirator hired by the old lessees to break up the business of their successful competitors.

Now, Mr. Chairman and gentlemen of the committee, this is bad enough, but the worst of my recitation to you anent this "Ogden Mills" letter is to come, for I have this to tell you and to vouch for.

When the publication of President Harrison's veto of this seal-killing permit was published in the New York Herald, May 3, 1891, Secretary Charles Foster had to give out to the press some warrant for his action in the premises. What do you think he did?

He prepared a quoted "interview" with himself and had it published in the New York Tribune (May 9, 1891, I think). In this statement he quotes parts of this Mills letter, but as though it was his own version, and cites these "affidavits" as being his warrant for discrediting the official agents of the department. No mention of Ogden Mills is made by Foster in this Tribune article [or of the receipt of this letter aforesaid, by him].

Well, as President Harrison had acted so promptly and so honestly in the premises and was hurrying back to Washington to take up this wretched mess and do the right thing, I dropped the subject and returned to Cleveland and went to work in my orchards and my vineyard there. I was happy in the thought that I had foiled those venal officials and shut out those greedy butchers. I paid no further personal attention to this matter in Washington.

From 1891, April 22, to the end of November, 1894, I had no further hand in that inception and finish of that work of the Bering Sea tribunal, which framed those idle and abortive rules and regulations to protect and preserve the fur-seal herd of Alaska from destruction.

When, however, the failure, utter flat failure, of those regulations was self-confessed by the close of the first season of their working, 1894, I came to Washington again and sought Gov. Dingley. Together, with Senator Frye, we agreed to make an effort to reopen and revise those worse than useless Bering Sea rules by legislation which would compel that revision. To that end I prepared a letter, which Gov. Dingley had read at the clerk's desk, December 11, 1894, in the House of Representatives, and he introduced, January following, a bill to favor the recommendations of my letter so read to the House. (H. R. 8633; Rept. 1849.)

The bill was fully considered by the Ways and Means Committee. I appeared for it; the lessees approved it. It was reported out and passed by the House on February 22, 1895, but could not be reached in the Senate before adjournment sine die, March 4, following.

Now, gentlemen, what happened? We come right back to this letter of Ogden Mills. A new administration took charge, March 4, 1895. I determined to get copies of those "affidavits" which Charles Foster published a mention of in the New York Tribune, May (9?), as his authority for that suppression of my report of 1890, and those of my official associates, Messrs. Goff, Murray, Nettleton, and Lavender.

I called on Secretary John G. Carlisle, of the Treasury. He evinced the liveliest interest in this question and asked Assistant Secretary Charles S. Hamlin to go with me to the chief supervising special agent's office and furnish me with copies of those affidavits, Capt. Healey's letter, etc.

Did we find those affidavits or the Healey letter? No. We traced them out from the Ogden Mills letter receipt in April, 1891, to one division after another only to find that they had been received, had been noted, and had disappeared from the files when Charles Foster left the Secretary's office, March 4, 1895.

Why were those "affidavits" and that letter of Healey removed and taken from the official files when Charles Foster published notes of them as his official warrant for suppressing the sworn official reports of Charles I. Goff and his three assistants in charge of the seal islands for 1890, and my special report of 1890 to Mr. Windom? (ordered by act approved April 5, 1890).

Why? Because their authors had perjured themselves, and if those "affidavits" had been in the hands of John G. Carlisle the lessees would have been obliged in my opinion, by Mr. Carlisle, to surrender their lease. That is why they were abstracted by or with the full knowledge and consent of Charles Foster, Secretary of the Treasury, on or some time before March 4, 1895. Nobody else could have removed them or would have dared to do so, as I was told by the Treasury officials.

Those men whose names were signed to these bogus "affidavits" as inclosed in that "Ogden Mills" letter above cited are all dead save one. That survivor of this job is one James C. Redpath. He has been the general overseer and assistant general manager of the lessees ever since May 21, 1890, up to the hour that their lease expired, May 1, 1890.

In connection with the felonious abstraction of these "affidavits" from the Treasury files on or about March 4, 1895, as above stated, Mr. Hamlin and I searched in vain for the official joint statement signed by Chief Special Agent Charles I. Goff and myself, setting forth the specific reasons why we stopped the work of the lessees on July 20, 1890, on account of killing female seals, etc.

This joint statement was drawn up in Gen. A. B. Nettleton's office in the Treasury Department; he was then the Acting Secretary, since Mr. Windom's sudden death, January 29, 1891, left the Secretary's office vacant. Gen. Nettleton asked us to prepare and sign this statement, because he said that it might be necessary to have it in case the lessees sued the Government or attempted to do so. This affidavit, or joint statement rather, was signed on or about the middle of February, I think; I did not take a copy of it at the time, because it was entered and filed the day we signed it, and I had previously given Secretary Windom a report specifically made on this subject September 7, 1890.

Pursuant to this understanding between President Harrison and his Secretary of the Treasury, Charles Foster, as early as May 4, 1891, that no killing by the lessees would be permitted, except 7,500 for natives food, the following order is found on the Chief Special Agent's Journal, St. Paul Island, under date of entry of "July 11th, 1891":

On page 355, under date of "Wednesday, June 10, 1891," Special Agent Joseph E. Murray makes the following entry:

While I was away from the village the Revenue Cutter *Rush* arrived and the following officers and other persons arrived and landed: W. H. Williams, Treasury agent, S. R. Nettleton, assistant agent, Milton Barnes, a special employee, J. Stanley Brown, special agent, Mrs. Nettleton and daughter.

True copy. Attest:

A. F. GALLEGHER.



Also this is entered, as follows, on the same day as above, to wit:

[Telegram.]

WASHINGTON, D. C., May 27, 1891.

Maj. W. H. WILLIAMS, *Special Agent,*  
*Care of Revenue Cutter Rush.*

The *Rush* will receive orders to sail to-day. You and the other agents will take passage on her. On the *Corwin* will follow in a few days. By her will be forwarded to you full instructions. The memorandum copy of proposed instruction which you now have will be your guide until *Corwin* arrives. Maximum number is not to be determined and other modifications are probable. If 7,500 seal are taken before *Corwin* arrives you will stop killing and await instructions. See that the other agents take passage with you.

CHARLES FOSTER,  
*Secretary.*

True copy. Attest:  
A. F. GALLEGHER.

And, under date of June 13, 1891 (p. 357), the following is entered

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,  
*St. Paul Island, June 13, 1891.*

A. W. LAVENDER,  
*Assistant Agent, St. George Island.*

SIR: You are informed that the Secretary of the Treasury for the present has limited the killing of fur seals for skins on the seal islands to seven thousand five hundred (7,500) for the year 1891. You will permit the killing of one thousand five hundred (1,500) seals for skins on the island of St. George. Care should be taken that no more than the above amount are killed without further instructions.

WILLIAM H. WILLIAMS,  
*Treasury Agent in charge of Seal Islands.*

A true copy. Attest:  
A. F. GALLAGHER.

Under date of June 13, 1891 (continued on p. 358) the following is entered:

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,  
*St. Paul Island, June 13, 1891.*

GEORGE R. TINGLE, Esq.,  
*General Agent North American Commercial Co.*

SIR: You are informed that by direction of the Secretary of the Treasury the number of fur seals to be killed for skins on St. Paul and St. George Islands for the year 1891 is limited to seven thousand five hundred (7,500). The above instructions may be modified later in the season; if so, you will be duly notified.

Respectfully, yours,

WILLIAM H. WILLIAMS,  
*Treasury Agent in charge of the Seal Islands.*

A true copy. Attest:  
A. F. GALLAGHER.

And this also, clearly and specifically stopping the killing at 6,000 seals on St. Paul, is entered on page 357, to wit:

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,  
*St. Paul Island, June 13, 1891.*

GEORGE R. TINGLE, Esq.,  
*General Agent North American Commercial Co.*

SIR: In pursuance of department instructions the killing of seals for skins, until further notice, will be limited to 6,000 on the island of St. Paul and 1,500 on the island of St. George.

Respectfully,

WILLIAM H. WILLIAMS,  
*Treasury Agent in charge of Seal Islands.*

A true copy:  
A. F. GALLAGHER.



Here we have the most explicit and timely orders of the Secretary of the Treasury that not to exceed 7,500 seals are to be taken on the islands during the season of 1891 (that they are expressly taken under the *modus vivendi* is carefully concealed by the Secretary, and that they are to be taken *only* as food for the natives is also carefully omitted—but the *limit* of 7,500 for the year is positively stated).

Did these Treasury agents, Williams and I. Stanley Brown enforce that order? No! Witness the following exposure of their disobedience and malfeasance in the premises: (and for which service I. Stanley Brown was made general manager of the lessees business on these islands by D. O. Mills and Senator S. B. Elkins, after he had ordered the entire control, July 8, 1892, of his office turned over to the lessees' agents. See Exhibit B.)

On page 361, Official Journal of St. Paul Island, under date of Saturday, June 20, 1891, is the following entry:

The company made a drive from Tolstoi, killing 116, filling the quota of 7,500.

Here is the official and final statement that on June 20, 1891, just one week after the chief special agent, Williams, has notified the lessees that the killing must stop at 6,000 seals, when reached on St. Paul Island, that that limit was reached.

Did the lessees stop? No. Witness the following proof of that complete control and illegal work prosecuted by them:

*Thursday, June 25, 1891* (p. 365 Official Journal).—Made a drive from Zoltoi for natives' food and killed 209. All accepted; prime.

*Monday, June 29, 1891* (p. 367).—Made a drive for native food from the reef, 400; 395 prime; 5 cut; all accepted; 1,620 seals were driven; 75 per cent of the number driven were turned back into the sea. \* \* \* The *Rush* left about 11 a. m. for Unalaska, taking as a passenger Treasury Agent Lavender, bound for St. George Island.

*Tuesday, June 30, 1891*.—\* \* \* Treasury Agent Murray and Mr. Leibes left this morning for Northeast Point.

*Wednesday, July 8, 1891* (p. 382).—Made a drive from Zoltoi and killed 100 for natives' food. All accepted.

*Thursday, July 9, 1891* (p. 382).—The revenue cutter *Corwin* came to anchor at the west side at 2 p. m. from Unalaska.

*Monday, July 13, 1891* (p. 385).—Made a drive from Zoltoi and killed 121 seals for natives' food. All accepted. Revenue cutter *Corwin* returned from St. George Island and anchored on the west side, bringing as a passenger for this island, Maj. Williams, chief Treasury agent.

*Wednesday, July 15, 1891*.—Made a drive from Lukannon and killed 122 seals for natives' food. All accepted.

*Tuesday, July 21, 1891*.—Drove seals from Middle Hill and killed 179, of which 178 were accepted as prime. One rejected; small. Was given to the natives and one was given to H. M. S. *Pheasant*, to be sent as a specimen to Provincial Museum, Victoria, B. C.

*Monday, July 27, 1891* (p. 390).—Drove seals from Middle Hill and killed for food 248. All the skins accepted as prime.

*Tuesday, July 28, 1891* (p. 390).—Steamer *Danube*, from Victoria, B. C., came to anchor this morning and landed the British commissioners, Sir George Vaden-Powell and Dr. George Mercer Dawson, also their two secretaries. At 6 p. m. the United States steamer *Albatross*, Capt. Tanner, from San Francisco, with the American

commissioners on board, Prof. Mendenhall, Dr. Merriam, Messrs Brown and Lavender, came from St. George.

*Wednesday, July 29, 1891.*— \* \* \* *In the evening the British and American commissioners held a joint meeting at the Government house. The meeting was a private one.*

This "private" meeting was not private in so far as the British commissioners were concerned. They demanded the reason why the killing was going on for food seals then, when there was no need for it. Why more than 7,500 seals had been killed up to date of their arrival, and was still in progress?

Thereupon Williams and Stanley Brown told them that they had not received their instructions to that effect until the arrival of the *Corwin* on the 9th of July last, and that the killing had not exceeded that instruction. The official journal quoted above convicts these tools of the lessees of telling an untruth to the British commissioners, who at the moment could not deny their falsehoods.

That is why this "meeting" is called a "private" one in the Williams-Brown journal, and as above entered therein by Joseph Murray, assistant agent. H. W. E.

*Monday, August 3, 1891* (p. 393).—Drove seals from Reef rookery and killed for food 118, one of which was cut. All were accepted.

*Sunday, August 9, 1891* (p. 397).—The *Albatross* sailed for St. George with the American commissioners, Prof. Mendenhall and Dr. Merriam, aboard, also Mr. J. Stanley Brown.

*Monday, August 10, 1891* (p. 400).—Drove seals from Reef, Lukannon, Tolstoi, and Middle Hill and killed for food 408, of which number 405 were accepted. Two given to the natives.

*Tuesday, August 11, 1891.*— \* \* \* The sealskins were counted by Maj. Williams and they counted to 10,782 for which receipts were made out in triplicate. \* \* \* After the division was made Maj. Williams went on board the *Farrallon*, and the following employees of the North American Commercial Co. also went aboard to go to San Francisco: George R. Tingle, B. Liebes, A. Hansen, Dr. Hereford, and G. Lee. Mr. Redpath went on board to go to Unalaska for a few days. The plan is to sail about 2 o'clock tomorrow morning. Before leaving Maj. Williams instructed Assistant Agent Murray to write instructions for the assistant agents who are to remain on the island of St. Paul and St. George during the winter.

*Thursday, August 13, A. D. 1891* (p. 402).—In pursuance of an assignment of Maj. W. H. Williams, representing the United States Treasury Department, I this day entered upon the duties of assistant agent in charge on this island. \* \* \*

MILTON BARNES,  
*Assistant Agent in Charge.*

At page 406, under date of Friday, August 28, 1901, the following entry appears:

OFFICE OF SPECIAL AGENT,  
TREASURY DEPARTMENT,  
*St. Paul Island, August 21, 1891.*

MILTON BARNES,

SIR: Before leaving for Washington, D. C., Maj. W. H. Williams instructed me to write instructions for the assistant agents who will have charge of the fur seal islands during his absence.

\* \* \* No seals are to be killed for food or for any other purpose prior to November 1, nor even then if it be known they are stagey. \* \* \* The whole number of

seals to be killed on St. George Island for natives' food from August 10, 1891, to May 1, 1892, is limited to 800, and it is of the utmost importance that that number shall not be exceeded under any circumstances. So much depends upon the faithful fulfillment of our national pledges we must not do anything to prejudice them. \* \* \*

JOSEPH MURRAY,  
*First Assistant Agent.*

Here is the written record officially made of the fact that the lessees actually continued to kill seals (on St. Paul—4,782 of them—large, choice seals) after they had been ordered not to do so by the Treasury Department.

And still more; if it had not been for that protest which the British commissioners made July 29, as above stated, in that "private" meeting, those lawless lessees and their official confederates would have continued to kill "food" seals during the rest of the year.

This exhibit declares that nothing stood between the lessees and their uninterrupted seal killing during the *modus vivendi* but that quick action of the British commissioners; the prohibition of the President, the specific orders of the Treasury Department, and their repeated reiteration by Chief Special Agent Williams, that nothing to exceed 7,500 "food" seal skins should be taken, was to them, a mere use of words to conceal their illegal work, not to stop it; a *fulgur brutum*, in short.

They took 10,782 skins on St. Paul, when ordered not to exceed 6,000 during the entire season.

They took 3,218 seal skins on St. George when ordered not to exceed 1,500 during the entire season.

And they did all that up to, and by August 11, 1891, with the official orders prohibiting that killing posted June 13, 1891, on the islands.

Mr. J. Stanley-Brown who shares this malfeasance with Special Agent Williams in 1891, came up again, June 9, 1892, as the United States chief special agent, and on Friday, July 8, following, turned the entire control of the killing over to the lessees; and, for that service, he was made the "superintendent" of the lessees' business on the islands in June, 1894. (See Exhibit B.)

W. H. Williams, the agent who was put (suddenly) April 5, 1891, in Goff's place by Charles Foster, and who was so selected because Foster had complete control over him, went up to St. Paul Island and landed there June 10, 1891. He was accompanied by Joseph Stanley-Brown, who also went as Charles Foster's "own man" to get the facts.

It will be noted in the foregoing statement, that when Williams, after cooperating with Brown in this killing of some 14,000 seals during the season of 1891, in violation of the international law which fixed it at 7,500 for that year—it will be noted that he leaves the islands on August 11, 1891, and returns to Washington.

Does he ever return to these islands? No. Mr. Joseph Stanley-Brown takes his place; and, on Thursday, June 9, 1892, arrives on St. Paul Island as the chief special agent in charge.

What had Williams done? Why was he quietly put over and transferred to London as Goff before him had been transferred to Montreal?

He was transferred because he spoke plainly, after his unpleasant experience on the islands during the summer of 1891, as a tool of the lessees. He told his friends at home, and in Washington, that this

work on the islands must stop, and the lessees put out; he saw the greedy hand that prevented any settlement with Great Britain, and was ashamed of his part in the business of illegally killing those seals under the whip of the lessees; and, among other plain truths, he said:

In my opinion the only way to save the Pribilof herd is by an entire cessation of sealing for a considerable period. I have heard diverse views on this subject, and about closed seasons of 1 to 10 years as being the only way to restore the herd to its best form. I believe in 10 years.

Whatever period is adopted it should involve the entire cessation of seal killing on the islands. Of course, I am speaking unofficially, as I have no part in the present deliberation of the commission. (*Fur Trade Review*: Oct. 1, 1898, p. 446, New York.)

And as for J. Stanley-Brown, this is the same "scientist" and "keen business man" who was introduced to the House Committee on Expenditures in the Department of Commerce and Labor, April 20, 1912, in the following "modest" terms, by the United States Bureau of Fisheries, to wit:

Dr. EVERMANN. One of the interesting phases of this question that has attracted my attention is the attitude which some persons have assumed toward the large numbers of able and distinguished naturalists who have visited the seal islands and who are without question the men most familiar with the fur-seal herd and the many problems connected with its management and effective conservation.

Within the last 25 years nearly a score of the most distinguished naturalists not only of this country, but of Great Britain, Canada, and Japan have visited our seal islands for the specific purpose of studying the habits of the fur seals and the problems connected with the proper management of the herd. Among these gentlemen I may mention the following:

Dr. EVERMANN (reading):

"Dr. Barton Warren Evermann, in charge of the Alaska fisheries service, who, as special fur-seal commissioner in 1892, spent six months on our seal islands in the North Pacific and on the Russian seal islands, studying the fur-seal rookeries, hauling grounds, and migrations.

"Mr. Joseph Stanley-Brown, of New York, spent the seasons of 1891, 1892, 1894, 1895, 1896, 1897, and 1899 on the seal islands, where, as naturalist and keen business man, he made very thorough study and investigations not only of the habits of the seals but very valuable study of the economic questions involved." (*Hearing No. 10*, pp. 518-519; House Committee on Expenditures in the Department of Commerce and Labor.)

The "value" of Joseph Stanley-Brown's "studies" to the lessees can be at once grasped by the most casual observer, but to the public interests which he was sworn to guard, and paid to do so, that value, no man living or dead, can find the least evidence of.

That the greedy lessees however, found him "valuable" enough, goes without question, for we find this entry made on p. 222 of the *St. Paul Journal*, to wit:

WEDNESDAY, June 6, 1894.

Steamer *Lakme* of the North American Commercial Co. arrived, having on board J. B. Crowley and wife, as chief agent, and Mr. Judge and wife, also Mr. Brown, superintendent of North American Commercial Co., Mr. Chichester, and Mr. Armstrong.

The services of Joseph Stanley-Brown are invoked by the Bureau of Fisheries to renew the seal lease and defeat pending legislation which prevents that renewal, and the following sworn proof of this collusion is submitted herewith:

Mr. ELLIOTT. And I want Mr. Bowers to pay some attention to this because this is important, at least some good lawyers have told me that it is very important to him—

"Being an official letter covering a 'memorandum' addressed to George M. Bowers, commissioner, urging him to take steps to prevent the passage of the Dixon fur-seal resolutions introduced in the United States Senate by Senator Joseph M. Dixon. (S. Res. 90, 91, 92.)

"December 7, 1909. This letter from the 'bureau,' dated December 16, 1909, and signed by Barton W. Evermann, urges Bowers to send agents to New York, there to 'educate' the Camp Fire Club and induce them to agree to the 'bureau's idea of renewing the lease,' as follows:

"[EXHIBIT No. 6.]

"DEPARTMENT OF COMMERCE AND LABOR,  
"BUREAU OF FISHERIES,  
"Washington, December 16, 1909.

"The COMMISSIONER:

"The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

"As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.<sup>1</sup>

"The attached letter is prepared, having in view the object stated.

"BARTON W. EVERMANN.

"Exhibit No. 7. Being the official letter of 'George M. Bowers, commissioner,' to Secretary Commerce and Labor, dated February 8, 1910, inclosing copies of three letters, all urging renewal of the seal lease and giving the reasons of the writers for such renewal, to wit, H. H. Taylor, president N. A. C. Co. (lessees), dated January 27, 1910; C. H. Townsend, for 'fur-seal advisory board,' dated January 31, 1910; Alfred Fraser, London agent for the N. A. C. Co. (lessees), January 28, 1910, as follows" (not printed):

LETTERS OF CHIEF SPECIAL AGENT CHAS. J. GOFF, WHO WAS REMOVED FROM THE SEAL ISLANDS OF ALASKA BY THE LESSEES APRIL 5, 1891, BECAUSE HE WOULD NOT PERMIT THEM TO VIOLATE THE LAW AND INJURE THE PUBLIC PRESERVES THEREON, WRITTEN TO SHOW HIS FULL KNOWLEDGE OF THE RASCALITY WHICH SECURED HIS REMOVAL, MAY 9, 1891, AND AUGUST 16, 1891, AND EXPOSING THE SAME.

(Mr. Goff was the brother of United States Senator Nathan Goff, of West Virginia. He died several years ago.—H. W. E.)

MONTREAL, *May 9, 1891.*

My DEAR MR. ELLIOTT: Your favor just received, and I am glad you are still in the land of the living and ready and willing to expose the Bering Sea steal. You say there will be a commission go to the islands this summer to investigate. I am afraid Tingle will have

<sup>1</sup> COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
*Friday, June 9, 1911.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

TESTIMONY OF MR. GEORGE M. BOWERS, COMMISSIONER OF FISHERIES.

MR. BOWERS. No new lease was made, but the killing was done under governmental supervision.

MR. TOWNSEND. You will be questioned about that later. After the first suggestion of this bill you know of no efforts that were made to delay the passage of that legislation?

MR. BOWERS. I know of no effort that was made to delay the passage of that legislation.

MR. TOWNSEND. And if any evidence should be introduced to the contrary, it would surprise you?

MR. BOWERS. So far as I am concerned it would, yes; and as far as I am concerned it would the Bureau of Fisheries and the department. [Hearing No. 3, p. 157, July 6, 1911, House Committee on Expenditures in the Department of Commerce and Labor.]

slaughtered the herd before anyone gets ready to start. It will be his plan to kill old and young, to make a good showing. He will kill yearlings, for the price of seal skins will insure him a return of his money on them. He will use every effort to make as large a daily killing as possible to flaunt in our faces. The new agents will see this, and, not posted by Murray and Lavender, will be led astray. This is surely the plan mapped out by the gang. Anything to down our reports, if they have to pass through fire and brimstone, and, my dear sir, that man Nettleton is a tool in their hands; he is the most gay deceiver of all. I know some few secrets I will tell you when I see you next. I hardly think an investigation will help our party, for this is one of the foulest steals I ever knew, and it will give the Democrats a war whoop in the coming campaign and one that will bear fruit.

If the seals are saved through your efforts you will have gained your point, and why not then rest upon your well-earned laurels and sleep upon your well-loaded arms for a future combat with Tingle, etc.

Let me again warn you that there is a deep and well concocted scheme to have reports come down this fall in direct opposition to ours, and no one knows what all of this planning and skirmishing may bring forth. A full Ohio delegation, one that could be trusted. Do you think there is any ambiguity about that sentence? The captains or commanders of the cutters are against us. Tingle will raise the cry that he who opposes will be deposed. You know how he will coach his entire surrounding; then again, those we left behind may fall into line under this great pressure, and we are left standing alone. I know all of this won't make seals; they care not for that; they are fighting for vindication, and when they have secured that they will come forward and suggest a close season, claiming the increase of poaching this year has made it a necessity. The public will be none the wiser. They will take charge of the islands, and the steal will go. Remember this, and also remember that what I write you is "entre nous."

When do you expect Murray and Lavender down? They will be down early, I should think. Please keep me posted on their arrival.

With regards, your friend,

CHARLES J. GOFF.

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MONTREAL, August 16, 1891.

MY DEAR MR. ELLIOTT: Tingle is surely trying, with the effort of his life, to place us before the public in a ridiculous light; and I am fearful that he will succeed, but, my dear sir, it will only be for a short while. Murray will come down with his mendacious statement, and Tingle will have one from him and all his employees, and it will present to the public a very plausible contradiction of my report, and your thesis.

You remember I told you Tingle would never cease working, that he would resort to any means foul or fair to accomplish his end; see the double duplicity of the man, securing, as he says he did, Murray's removal while here, and then returning and courting his favor and using him as a henchman to do his infamous work. Poor Murray; was ever man so treated? It kept me constantly guarding him last



year to prevent Tingle from fooling him. And I was always fearful that he had not the determination to withstand the pressure brought upon him by the company crowd. I don't claim to be a scientist or capable of writing an extensive dissertation upon seal life, but I am surprised that Murray would assert that he wrote my report. He is surely losing his wits, as this acknowledgment will give him away, if he assumes to hold the position which Lutz alleges he does, and has no force whatever upon the subject matter at issue. Now, Professor, if this crowd presses us too hard, I want you to call for an investigation and I will stand by you until the last. I was opposed to it all along, but Williams, Brown, and Barnes can't misrepresent facts and expect us to accept their statements, placing us in a false light before the American people, without an effort to vindicate our actions. We are right, were right last summer, are right now, and may we live long enough to see right prevail. You can count on me standing by you in this matter, until I am called over Jordan; and, if I meet Tingle on the other side, I'll quarrel with him there over it.

Your lasting friend,

CHARLES J. GOFF.

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SEPTEMBER 18, 1891.

Prof. H. W. ELLIOTT: Your letter of the 5th. came duly to hand and I am so sorry I am unable to give more than the most meager details respecting the killing on St. Paul and St. George up to the 15th. I have just learned that it was prearranged that Murray was to be decapitated officially and that at Washington Tingle represented him as being crazy and consequently entirely unfit to hold any responsible position under the Government at the Seal Islands. It seems Tingle knew all the time that he was patting and pumping Murray that the latter's tongue had already been long enough to hang himself with. However, I imagine that Tingle represented to Murray that the latter had no friends; that they had all "gone back" on him, just as he did to me, although, at the time, I knew he was lying. Tingle also possibly represented himself as the only person able to save Murray in case he was in danger. He could cause the removal of whomsoever he pleased; and he could, if he wanted to, cause any one's position to be secure. Murray eagerly swallowed such bait as this together with all the belittling statements and slanders that Tingle could invent respecting yourself and Mr. Goff. It appears as though Tingle did really intend, at least for a while, to do something towards rewarding Murray. At any rate Mr. Tingle prepared and wrote out a statement to the effect that "We, the undersigned," having messed with the Hon. Jos. Murray for the past 15 months, had ever found him to be a most worthy upright and honorable gentleman, and a wise, capable, intelligent, and efficient officer, always kind to the natives and a jealous and watchful guardian of the Government's interests, etc.

The paper was handed to me by Tingle with the information that he would like me to read it over, sign, and return it to him. It was already signed by J. C. Redpath, N. A. C. Co.'s agent on St. Paul Island, and Edward T. Baldwin, bookkeeper. I read it over and after considering a moment I returned it to Tingle with the remark that I really did not think I could put my name conscientiously to that.



Tingle was somewhat nettled, apparently, and thereafter nothing was left undone to make my position on the island as uncomfortable as possible. Every move I made was watched, reported, and commented on. One would have thought I had committed some great crime, or that I had the smallpox, the way I was shunned. Even the natives did not dare to be seen speaking to me. I felt that everything I did was subject to be grossly misconstrued. This was the condition of affairs in regard to myself shortly after Tingle's arrival. But now Tingle's animosity was intensified. From the first I did not dare to venture near the rookeries nor near the seals on the slaughtering grounds, because I could not feel certain that I would not thereby subject myself to mean and insulting remarks by Tingle. In this way I failed to know just exactly how things were going on. Nevertheless, I can say this much: As soon as Tingle arrived (on the 7th, I think) he gave orders to kill as many seals as possible before the 15th, and to take even as small skins as  $4\frac{1}{2}$  or  $4\frac{1}{4}$  pounds. I heard him give the order a number of times. I thought at the time that he wanted to hurry and get as many skins as possible before new orders arrived, and I supposed that he expected these new orders to arrive on or about the 15th. I can easily see now that he very likely was being aided with information by the politicians, otherwise, it occurred to me, how could he have known that the proclamation was going to be signed on the 15th. Surely it was no accident. At any rate, before the 15th seals were very scarce, and there can be no doubt that Fowler, Redpath, and Tingle never worked harder in their lives to get the seals, but the seals weren't there to get. Drives of 80, 100, 150, and 200 were made, according to report brought to me by the natives. I had an idea Tingle wanted to get 7,500 skins before the 15th in order to say: "Well, we got 7,500 so easy; we got them all before the 15th." But, at any rate, counting all they had before, they couldn't make up to 7,500 until the 20th of June. Williams claims they took 6,250 skins after the 15th, and the *Farallon* brought down something like 14,000 skins. I do not remember the exact number the *Farallon* brought down, but it was considerably over 13,000. The killing was stopped on the 28th or 29th of July. These latter drives were much larger than the earlier ones, and the so-called food skins were the very choicest to be had and the largest. A very small number was not obtained, despite considerable anxiety and effort, on St. George Island, until later, much later, I believe, than the 20th of June.

Murray and Lavender are yet on St. Paul and St. George. They are expected very shortly on the *Corwin*. Murray tried very hard on the islands to blarney Lavender, but apparently without entire success. If Murray stuck to it that the seals were not there, is it possible that he would have been removed just for that? Apparently Goff was not wanted. Tingle was almost demoralized when he learned that there was a likelihood of your coming up with the British commissioners. You never saw a more nervous, fussy, and frightened man than he was at that time. Lavender is not wanted. It is rumored his head is to come off. And now I learn that Murray is to be removed, I suppose the proviso is—if he persists in advocating what is displeasing to Mr. Elkins. Nettleton, I supposed, they were afraid to attack on account of his brother.

Williams is not in favor of the company appointing the school-teachers and physicians. Neither was Mr. Goff. In case the Government should appoint physicians next year I would like to have the job. I should give up any position I had in order to accept any such appointment. Wouldn't I like to show Tingle I could get there whether he wanted me to or not. However, after a while, when Congress meets, if you have the opportunity, I would be grateful for any effort you might make to obtain for me an appointment as physician at one of the Indian agencies. I have applied at all the steamship offices, but there seems but little likelihood of my obtaining anything to do. Mrs. Lutz sends cordial and kindest regards to Mrs. Elliott. My little Mary is quite a large girl now, and is growing nicer all the time.

Very truly, your friend,

C. A. LUTZ.

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COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
*Wednesday, April 24, 1912.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

JOHN HAY IS INFORMED BY HON. JOHN A. KASSON OF THE SUBORNATION OF THE DEPARTMENT OF STATE BY THE LESSEES OF THE SEAL ISLANDS. 1890-1891.

[Statement of Henry W. Elliott.]

The CHAIRMAN. All right then. I suppose it is the sense of the committee that the statement shall go in?

Mr. PATTON. I have no objection.

The CHAIRMAN. Then it is so ordered.

WASHINGTON, *May 12, 1903.*

DEAR COL. HAY: I do not know why the inclosed is sent to me, except for my sympathy with Elliott in the matter of the Alaskan seals. Nor do I know what to do with it except to place it at your disposition to decide if there is wisdom in his suggestion.

Very faithfully, yours,

KASSON.

(Given to me by Mr. Hay, in Department of State, June 20, 1903, 11.40 a. m.—H. W. E.)

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LAKEWOOD, OHIO, *May 10, 1903.*

MY DEAR MR. KASSON: In packing away a lot of papers to-day I came upon those minutes of the interview which took place between Sir Julian and myself in April, 1891. You suggested that I put them into writing after I had recited them to you in your residence, December 10, 1901. I inclose a copy of them.

Reading them over, the thought occurs to me that the desperate condition of affairs on the seal islands to-day warrants Sir Michael in doing exactly what Sir Julian did in 1891. He can override the Canadians and agree upon a modus vivendi for 1904, just as Sir Julian did for 1891.

Sir Julian took this action solely on the strength of his belief in the truth of my representation and report of 1890. Sir Michael can have not only all of this ground, but the important additional data which I have placed in Mr. Hay's hands.

I had to go as a stranger, personally, to Sir Julian in 1891, on account of Mr. Blaine's "infirmity" of purpose. Mr. Hay can go to Sir Michael with vastly greater effect and tact than I went to Sir Julian. He can take these authentic records, illustrations, facts, and figures which I have given him recently and lay them with great emphasis before the British ambassador.

Something must be done this summer and before Congress meets. Otherwise, if naught comes from the State Department, the pending seal bill, now lying in the Senate Foreign Relations Committee, will be passed in short order, as a measure absolutely necessary to save the fur-seal species of Alaska from complete extinction.

It would be a great feather in Mr. Hay's cap, and also for that of Sir Michael, if such a modus for 1904 was agreed upon as was that of 1891.

I have never said a word to Mr. Hay about this particular matter and the securing in 1891 of that modus vivendi which I urged in my report of 1890. I do not know whether I ought to. If you think it proper and will serve as a useful side light, I venture to ask that you see Mr. Hay and talk it over with him, for, really, the more I think of it the more I am inclined to believe that Sir Michael can easily do again what his distinguished predecessor did in the premises, and for which action he was highly rewarded by his Government, in spite of the bitter opposition of the Canadians.

With every regard for you, I am, faithfully, your friend,

HENRY W. ELLIOTT.

Hon. JOHN A. KASSON, *Washington, D. C.*

THE SWORN PROOF ENCLOSED TO JOHN HAY BY MR. KASSON MAY 12, 1903, OF THE SUBORNATION OF THE DEPARTMENT OF STATE BY THE SEAL CONTRACTORS, 1890-1891.

WASHINGTON, D. C., *December 10, 1901,*

During a call made upon Mr. John A. Kasson this morning and for the purpose of understanding fully what the High Joint Commission did about the fur-seal question before it was strangled by the Boundary dispute February 22, 1899, Mr. Kasson said to me that I ought to reduce to writing that account which I had given him of the adoption of my modus vivendi of 1891-1893; this account to be sealed and not broken during the life of the British ambassador, the other party, James G. Blaine, being dead.

I therefore make the following statement, which will constitute a complete sequel to my diary notes of what took place between Mr. Blaine and myself prior to my interview with Sir Julian.

Wednesday, April 22, 1891: After due reflection and in spite of the fact that I had never met the British minister, I resolved this morning to call upon him and put the question directly to him whether or no he had refused to entertain any proposition for a modus vivendi in Bering Sea for the protection of the fur seals, as he was charged with doing by Charles Foster on the 13th instant (see preceding memoranda).

I took the Connecticut Avenue street car on F, corner Tenth NW., and entered the British Legation door at half past 10 o'clock in the morning; the servant took my card, left me standing in the hall, returned in a few minutes saying that Sir Julian was dressing and would see me when he came down. I was ushered into the office, which opens directly from the hall, opposite the drawing-room. I had penciled on my card the words "concerning the fur seals of Alaska," so that he might know what I was after.

I was not alone more than 10 or 15 minutes before Sir Julian came into the room, and he greeted me with the greatest courtesy, saying that he had heard a great deal about me and that he had asked Secretary Blaine to introduce me several times.

I replied, saying that I too had often asked Mr. Blaine to present me, but that he had not done so.

"I have called on you, Sir Julian, this morning on my own responsibility. I do not come from Mr. Blaine. I have come to make an inquiry which may be improper; if it is, pardon me and give no answer, but I want to inform you that an order to kill 60,000 fur seals was given to the lessees of the seal islands on the 11th instant; that this order to kill was based upon the refusal of your Government to unite with mine in a modus vivendi whereby all killing on land and in the sea is to be suspended during the coming season in Bering Sea. If this refusal of your Government to act with mine is authentic, then I want to say to you from my full knowledge and understanding of the question that killing 60,000 young male seals on the Pribilof Islands this summer means the absolute extermination of that life up there, and the shame of this doing is upon your Government."

Sir Julian's manner instantly changed as I spoke; his expression became one of intense surprise; he answered in language substantially as follows, walking up and down the end of the room where we were standing, alternately facing and partly turning from me:

"It is not true; my Government has been trying to get Mr. Blaine to agree upon some such plan ever since the opening of March, and it was not until the 7th day of this month that he agreed to it, and I am expecting to hear by return post of the acceptance by my Government of the modus vivendi. I posted the offer of Mr. Blaine on the same day and immediately after he made it to me. Really, my dear sir, you surprise me. I do not believe that Mr. Blaine knows what he does want. I have been having quite a time trying to find out."

We then talked a few minutes about the condition of the seals, the attitude of the Canadians, and of our lessees. He said that it was a case in which the testimony was exceedingly conflicting, and that under the circumstances the only humane and wise thing to do was to stop the killing for a season at least and look into the matter during the meantime. He said that as far as he was concerned his sympathy was for the seals and he would give them the benefit of every doubt.

I then took my departure, having been with him about half an hour.

HENRY W. ELLIOTT.

THE RECAPITULATION OF THIS SUBORNATION OF THE DEPARTMENT OF STATE BY THE SEAL LESSEES 1890-1891.

[Note for Hon. John H. Rothermel.]

When John Hay asked me on June 20, 1903, to take this letter of mine, as written to Hon. John A. Kasson, of May 10, 1903, with its recitation of the amazing revelation of Mr. Blaine's malfeasance as made by Sir Julian Pauncefote, and inclosed to Mr. Hay by Mr. Kasson, for this purpose, as stated by the latter, Mr. Hay said: "This is a matter which I can not discuss with you. I know it is true and that makes any use of it at this time and in this department impossible. It is best returned to you, and my desire is that nothing be said in the premises at the present time and while this business is pending between Canada and ourselves.

Just think of this terrible revelation made by Sir Julian of Mr. Blaine's duplicity, and worse, as Secretary of State, thus made to me, April 22, 1891—think of it in the light of the following facts, to wit:

March 15, 1891. Sir Julian Pauncefote urges Mr. Blaine to agree upon a *modus vivendi* for the coming season in Bering Sea, whereby no killing of fur seals shall be done on the Seal Islands of Alaska by American citizens and no killing at sea shall be permitted for British subjects; in the meantime both high contracting parties shall carefully study the question and then agree upon a plan of proper resumption of seal killing, etc.

Mr. Blaine demurred and suggested a 25-mile zone of pelagic prohibition around the Seal Islands instead; to this Sir Julian objected, saying that it was impracticable and would not be easily enforced, etc.

April 7, 1891. Sir Julian again urges Mr. Blaine to unite with his Government in a total suspension of all killing of fur seals on the Pribilof Islands and in the sea of Bering, during the coming season of 1891. Mr. Blaine agrees to do so if the British Government will notify him of its desire and willingness to do so.

Sir Julian Pauncefote then mails to Lord Salisbury this proposal of Mr. Blaine to stop all killing on the Pribilof Islands during the season of 1891, if the British Government will prohibit its subjects from all killing of fur seals at sea (in Bering Sea), during this period aforesaid. This letter sent to New York and mailed by "special post" on this day and date, April 7, 1891, to London.

April 11, 1891, Secretary Blaine, without informing Sir Julian, violates this agreement of April 7, 1891, as above cited; he gives to the lessees of the Seal Islands (D. O. Mills, Isaac and Herman Liebes, Lloyd Tevis, and S. B. Elkins), a secret permit to kill 60,000 seals on these islands, "if they can be found," during the season of 1891.

April 13, 1891. Charles Foster, Secretary of the Treasury, admits when personally interrogated by Hon. Wm. McKinley and Henry W. Elliott, that he has given this order of permission to kill 60,000 seals, "because Blaine authorizes it, and has told me that Salisbury is ugly and will not stop his people from killing."

April 22, 1891. Sir Julian Pauncefote denies that his Government "is ugly," and asserts that it is willing to stop the seal slaughter.

April 24, 1891. Henry W. Elliott in a half column letter to the New York Evening Post of to-day's issue, under caption of "Some Seal History," tells this story of Mr. Blaine's duplicity and venality, as above cited; it is telegraphed all over the country, briefly, and on—

May 3, 1891. President Harrison vetoes or orders the cancellation of this secret and infamous permit; he then orders steps to be taken in the State Department, which result, June 14, 1891, in the *modus vivendi* being officially published, as originally suggested by Henry W. Elliott, November 19, 1890, and Sir Julian, on April 7, 1891, as stated above.

HENRY W. ELLIOTT.

WASHINGTON, D. C., May 2, 1912.

(Hearing No. 10, pp. 670-672, Apr. 24, 1912.)

Mr. STEPHENS. On December 15, 1913, the said Henry W. Elliott filed with the chairman of this committee a supplementary and complete report and exhibits of the said special agents of the committee upon the conditions of the fur-seal herd of Alaska and the conduct of the public business relating thereto, as ordered by the committee. That report is as follows:

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## **A STATEMENT**

SUBMITTED IN RE THE FUR-SEAL HERD OF ALASKA TO THE HOUSE COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE, BY HENRY W. ELLIOTT, DECEMBER 15, 1913, TO SUPPLEMENT AND COMPLETE THE REPORT AND EXHIBITS OF THE SPECIAL AGENTS OF THE HOUSE COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE UPON THE CONDITION OF THE FUR-SEAL HERD OF ALASKA AND THE CONDUCT OF THE PUBLIC BUSINESS ON THE PRIBILOF ISLANDS, AS ORDERED BY THE COMMITTEE JUNE 20, 1913





## LETTER OF TRANSMITTAL.

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WASHINGTON, D. C., *December 15, 1913.*

HON. JOHN H. ROTHERMEL,  
*Chairman Committee on Expenditures  
In the Department of Commerce,  
House of Representatives, Washington, D. C.*

DEAR SIR: I wish to submit for the information and the use of your committee a carefully prepared statement of the facts which bear upon the commercial ruin and near extinction of our fur-seal herd of Alaska.

I believe that a statement which shall authoritatively cover the causes of that destruction of this fine public property and the true relation which the lessees of the seal islands and certain sworn public officials and others have to that ruin of the same will be of value to your committee.

I therefore inclose this statement herewith, duly addressed to the committee and yourself.

Very respectfully, yours,

HENRY W. ELLIOTT.



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## STATEMENT SUBMITTED IN RE THE FUR-SEAL HERD OF ALASKA.

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MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I desire to submit for your consideration a concise statement of facts, showing the history and condition of the fur-seal herd of Alaska, and the connection of the officers and stockholders of the North American Commercial Co., as lessees, and the officials of the United States Government and others therewith since 1890 to date.

It is first in order to show how and why the fur-seal herd of Alaska has been commercially destroyed and ruined as an asset of value to the Government ever since 1890; I will lead by giving you a brief but carefully studied statement of the reasons why this herd has been reduced so as to be at the verge of complete extinction when the act of August 24, 1912, prevented that end.

By order of this committee, a careful survey of the herd was made by Mr. Gallagher and myself last July. We have given you in our report of August 31 last an account in detail of its condition.

The condition of this herd as we found it last July on its breeding rookeries of St. Paul and St. George Islands, Bering Sea, Alaska, is one of complete commercial ruin and of near extinction of virile breeding male life.

Happily the act of August 24, 1912, prevents any repetition of the deadly killing of young male seals for the next five years on the islands, and makes it unnecessary to call upon Congress for any further legislation in the premises until the lapse of this close time thus provided for.

It now becomes in order to clearly show how and why this herd of 4,700,000 seals in 1874 has been so managed by our own agents as to bring it to the pitiful limit of less than 1,500 breeding bulls in 1913, as contrasted with 90,000 in 1874—with less than 30,000 non-breeding seals—yearlings and males, 2, 3, 4, 5, and up to 6 years old, against 1,250,000 of them in 1874, and less than 80,000 breeding cows as against 1,633,000 of them in 1874.

It is an easy exhibition of cause which I am to give you, as follows:

I. The fur seal by its law of life breeds but once a year, and then during one short period of that year only, viz, between July 4 and 25.

II. This makes its order of life entirely different from cattle, sheep, horses, and swine, with which it has been erroneously contrasted by ignorant or scheming "naturalists," who have at great length declared it to be similar, when in fact it is utterly and irreconcilably different.

III. That two weeks of the year (between July 4-25) in which all of the cows land, give birth to their young (a single pup), and are impregnated for another 12 months of gestation, is now admitted to be the "height of the season" by every observer who has had several seasons of personal study of the question on the rookeries. A few

seals are born as early as June 16-24—a few are born as late as August 1-5, annually—but these are the natural exceptions to the rule of their lives. The fact remains that the breeding of these seals is all begun and finished practically between July 4-20 annually—i. e., nine-tenths of it.

IV. This fact determined, then it becomes clear to the investigator that the breeding males which serve these breeding cows in that short period, annually, and only then, should be the very finest of the species, and—

(a) That they should not be overtaxed by having too many cows in their harems at that period aforesaid, and—

(b) That this natural selection ordered by their law of life, which enables only the finest of their kind to get into the rookeries as sires, should never be interfered with by man—

(c) Who himself can not make that selection, as he can of the best bulls, rams, stallions, and boars for his herds and flocks in domestication.

V. To make this natural selection of the very finest sires for the herd, these seals are born equal in number, males and females. The male becomes mature and begins to breed when 6 years old—never any earlier, and—

(a) The female becomes mature and receives her first impregnation as a “nubile” on the rookery when she is 2 years old. This—

(b) Brings the female in as a breeder and requiring service four years ahead of the male; and that—

(c) Seems to make the natural life of the male from 15 to 18 years and that of the female less, or from 10 to 12 years (reasoning by analogy).

VI. The breeding males arrive on the rookery grounds from three to six weeks in advance of the females; their habit is to locate thereon, at intervals of 7 to 10 feet apart; these locations being made by those bulls which can successfully fight for and hold their location when obtained, and—

(a) This fighting between the bulls, which is done by them three to six weeks before the cows come, eliminates all of the weaker or nerveless bulls before the breeding begins, and—

(b) So secures for the cows only the very finest sires for the race, without any injury to the females or the pups during the breeding season, since—

(c) This fighting for those harem stations aforesaid entirely subsides when the cows begin to haul out; and—

(d) This location of the breeding bulls in a normal and natural state brings to each bull about 15 or 20 cows to serve, on an average, throughout the whole rookery (a few bulls will have harems of 40 or 50 and a few will only have 4 or 5, perhaps, but the natural normal average in 1874 was about 20 cows to a bull on the big rookeries).

VII. Any disturbance or interference with this natural order and adjustment of these laws of breeding as set forth above will throw the same out of balance and effect, and thus cause the birth rate on the rookeries to become less and less annually, as long as this interference is continued, up to the point of complete extinction of the species, if it is not discontinued.

With the above statements of fact clearly in mind, when we turn to view the conditions of the Pribilof fur seal herd as it was plain to

see last July, we found that this herd consisted of 80,000 breeding cows, with only about 750 to 800 breeding bulls in real service on the rookeries; the reason for that loss of perfect balance was at once looked up. That one bull should have four times the strain devolved upon him as a sire, which the natural law of his life orders him to endure, is the cause of just concern for the future of this species if it is to continue; for that continuation means more and more strain added annually until the harems will show 200, 250, yes, 500 to 1,000 cows to the bull, as they have been shown to the greedy Russian agents in 1896; and, soon thereafter, their herd collapsed.

What was and is the cause of this practical extinction of the virile male life on the breeding grounds of the Pribilof Islands?

It is due wholly to the killing of all the young male seals that the lessees could annually find on the islands, first begun in 1896, in violation of regulations or the Carlisle rules of May 14, 1896, and then continued up to 1904, when the Hitchcock rules of May 1 were published, but which the lessees nullified completely by 1906, and continued to do so to the end of their lease, May 1, 1910.

A plain statement of the facts which were given to Mr. F. H. Hitchcock, chief clerk of the Department of Commerce and Labor, and upon which he ordered the "Hitchcock rules" of 1904, is of interest at this point, to wit: On January 8, 1904, I gave him the following analysis of the reason why he must step in at once and check that close killing of all the young male seals which his agents then were permitting the lessees to take or face the complete extinction of the breeding male life on the islands by 1907 or 1908:

On the seal island rookeries of St. Paul and St. George there were (I wrote thus)—

In 1872-1874 there were some 90,000 breeding bulls and 1,250,000 cows (primipares, multipares, and nubles), showing a birth rate of 1,125,000 pups.

In 1890 this herd was reduced to some 14,000 breeding bulls and about 420,000 cows (primipares, multipares, and nubles), showing a birth rate of 380,000 pups.

In 1896 this herd was still further reduced to some 5,000 bulls and about 144,000 cows (primipares, multipares, and nubles), showing a birth rate of 130,000 pups.

In 1903 this herd is reduced to some 2,200 bulls and about 75,000 cows (primipares, multipares, and nubles), showing a birth rate of 68,000 pups.

These 2,200 breeding bulls of 1903 are the survivors of those young males which were spared in 1890 and by the *modus vivendi* of 1891-1893, and thus allowed to grow up to the age of 6 years, and then take their places in 1894, 1895, and 1896 on the rookeries as 6 and 7 year old "seecatchie."

In 1894 and in 1895 a few hundred 4-year-olds may have escaped the club on the killing grounds and thus came in as 6-year-olds in 1896 and 1897.

But in 1896 no 3-year-old seal was passed over the killing grounds which was not killed in 1897 as a 4-year-old.

And in 1897 and 1898 no 3-year-old seal escaped the killer's club, except to die on the killing grounds as a 4-year-old in 1898 and 1899.

And in 1899 no 2-year-old seal was permitted to escape on these grounds unless to die as a 3-year-old in 1900.

And in 1900 no well-grown yearling seal was spared on these slaughter fields except to perish as a 2-year-old in 1901.

And in 1901 every yearling that came ashore was taken, and if a few escaped they met the club in 1902 sure, as 2-year-olds.

And in 1902 every young male seal that landed was taken, so that out of 22,199, 16,875 were "long" and average yearlings, or "5-pound" or "eyeplaster" skins.

In this clear light of the close killing of the young male life as given above, it will be observed that no young or fresh male blood has been permitted to mature and reach the breeding grounds since 1896.

The average life of a breeding bull is from 15 to 18 years; he does not keep his place longer for good and obvious reasons. The youngest bulls to-day upon that



breeding ground are not less than 12 years old—most of them older. They are now rapidly dying of old age—witness the following:

An official report in 1902 declares that these breeding bulls had decreased in number from 1901 to the end of 1902 at least 25 per cent.

An official report in 1903 again declares a decrease from 1902 to the end of this season (1903) of 17 per cent; 42 per cent since 1901.

The close of the season of 1904 will show at least 20 per cent reduction again; and in 1905 again 20 per cent at least, to entirely cease by 1907 unless steps are taken at once to stop the run on this life by land (and sea killing) clubbing in 1904 of the choice young male seals, yearlings and upward, to the end of the season of 1906—stop it entirely.

These facts of biological truth and improper violation of license to kill on the islands, as above, were bitterly disputed by Dr. David Starr Jordan and his "scientists," who, as his associates of the Jordan-Thompson Commission in 1896-1898, all united in denying them. But Mr. Hitchcock was impressed with the truth and sense of my statement, and issued the orders, or "Hitchcock rules," which checked up that close killing I complained of, May 1, 1904.

Then what happened? On the 26th of October, 1905, the very men who, in 1904, had united with Dr. Jordan and his "scientists," Stejneger, Lucas, and Townsend, confessed in an elaborate report that I was right—that these regulations of Hitchcock's order had been made just in time to save the breeding life of the rookeries from ruin at the hands of the lessees. Witness the following:

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
*Washington, October 26, 1905.*

SIR: I have the honor to submit the following report on the administration of affairs on the seal islands of Alaska during the year ended August, 1905:

\* \* \* \* \*

There were so few bulls on certain rookeries on St. Paul Island this summer that, by reason of their scarcity, the harems were broken up before the usual period and bachelors were able to haul among the cows.

This occurred at a date when these young seals should have been excluded from the breeding grounds by vigilant bulls, and then forced to haul up, if they desired to haul at all, only on the bachelor's hauling ground.

This condition, in our opinion, is due to the scarcity of breeding males on the rookeries generally, and to their being so taxed in special localities with the service of the cows that they were unable or unwilling to drive out the bachelors. Had idle bulls been sufficiently numerous this condition would not have occurred.

\* \* \* \* \*

A stop was made at Polovina on our way from Northeast Point on the 21st, and Messrs. Judge and Redpath and myself visited that rookery. We were not able to verify our assumption with regard to this rookery. By reason of the flatness of the approach to it, only the rearmost harems could be inspected, and those only with caution, lest the cows be stampeded. While we found six 2-year old bachelors in two small harems at the rear, we found also the harem formations to be much better preserved than at Hutchinson Hill. The bulls seemed active in preventing the escape of the cows and in rounding them up into their harems.

The fact, however, remains that only 3 idle bulls were found on this rookery at the height of the season. That the bulls present with cows were still able to maintain their harems on the 21st is more a tribute to their vitality than proof that enough adult males were present.

\* \* \* \* \*

As I was taking photographs of the rookeries, I went ahead to make the necessary exposures before the formation of the cows should be disturbed by the counting of the harems. Mr. Judge followed with two natives and made the count. He stated that the bulls were practically docile and that no trouble was experienced in penetrating the mass of seals. He stated, also, that in his opinion the bulls were taxed to such an extent as to have virtually lost control of the breeding grounds, and that this

was the reason for their unusual amiability. He noted also that a great proportion of the supposed cows scattered about were bachelors.

\* \* \* \* \*

The result of these regulations can not be felt before 1907, as has in effect been stated. During the interval which must elapse before that time a steady decrease in bulls will be encountered. The closest killing on land occurred during the seasons of 1902 and 1903. In the latter season the lessees released from the drives on St. Paul only 983 small seals. This practical annihilation of bachelors for this year will be felt on the rookeries four years thereafter, or in 1907.

\* \* \* \* \*

#### LIMIT TO PROCREATIVE POWER OF BULLS.

Much has been said of the wonderful procreative power of bulls, and the theory has been advanced that a bull can serve without discomfort as many cows as he is able to get and hold.

Our experience this summer has convinced us that there is a limit to a bull's capacity and that the bulls on the rookeries at the height of the season had come nearer to reaching it than ever before to our knowledge. When it was possible on July 13 to penetrate the mass of breeding seals on the Reef, and on July 14 that on Zapadni, meeting with no more opposition than could be met successfully by two men armed with light poles, it must be believed that the bulls at these places were taxed to such a limit as to be shorn of most of their aggressiveness. On July 16 Mr. Judge with two men went through the mass under Hutchinson Hill on the plateau near the shore line, and experienced but little trouble. To have done this five years ago with the same mass would have been impossible.

\* \* \* \* \*

The present scarcity of bulls is attributable directly to close killing on land, from which not enough bachelors were allowed to escape from the killing fields to maintain the requisite proportion of bulls.

For the last two years, however, regulations have been in force on the islands as the result of which a considerable number of bachelors are exempted from killing and allowed to escape. The animals thus saved are not old enough to appear upon the rookeries. It will be necessary for two more years to elapse before the animals may be counted upon. From that time, however, with the continuance of the regulations, it is believed that an ample supply of bulls will be present.

#### PRESENT REGULATIONS SHOULD BE CONTINUED.

Since it appears that a scarcity of bulls is threatened on the islands, and, in fact, has occurred actually on several of the rookery spaces on St. Paul, any change in the present regulations looking to a lessening of the restrictions placed on killing on the islands would be wholly unwise.

\* \* \* \* \*

Respectfully,

W. I. LEMBKEY,  
*Agent in Charge Seal Islands.*

The SECRETARY OF COMMERCE AND LABOR.

So much for Mr. Lembkey in 1905. Did he continue these regulations in 1906, which he says above are absolutely necessary to be so continued? No! I had the following to say to your committee July 30, 1912, to wit:

Now, what has become of that "6½-pound" 3-year-old limit by which he has sworn he "saved the 3-year-olds" in June and July, to be again "saved" by him as such in the autumn following by having this maximum limit of "6½ pounds" put on the taking of any "food skins"? Why, they are all killed.

Mr. MADDEN. How many people are there on the islands?

Mr. ELLIOTT. About 300; about 250 now. Why, those 3-year-olds so saved are all killed later in the season, and so killed as being under the limit of "8½ pounds"! He thus stupidly confesses to you, as above quoted, that he has nullified the very rules of the department that he was and is sworn to obey and enforce.

The Hitchcock rules ordered a "permanent mark" to be put upon these reserved seals, "and under no circumstances are they to be taken," etc. Why was it not done? The answer is easy. The lessees wanted those skins, and they manipulated Lembkey as above—they got them.

How was that manipulation by Lembkey, in turn, done, so as to get those "reserved" seals. I submit the following exposé of the deceit:

THE LESSEES SUBORN LEMBKEY AND THE BUREAU OF FISHERIES, AND THEN SECURE ALL OF THE "RESERVED" OR "SPARED" SEALS, IN VIOLATION OF THE SWORN STATEMENTS OF THE LATTER.

#### THE DEADLY PARALLEL.

Lembkey declares that a 6½-pound limit to food skins is ordered by the bureau, and that saves the "reserved" seals from subsequent killing by the lessees.

Mr. ELLIOTT. Now, Mr. Chairman, in the matter of the nullification of the Hitchcock rules, with this evidence duly considered by your committee of the illegal killing of those yearlings seals in 1910 (and that evidence of this guilt applies to every season's work on the Pribilof Islands ever since 1890 down to May 1, 1910), I desire to present the following testimony, which declares that ever since May 1, 1904, when the "Hitchcock rules" were first ordered by the Department of Commerce and Labor, those rules have been systematically and flagrantly violated by the agents of this department who were specially sworn to obey and enforce them.

On February 4, 1911, Chief Special Agent Lembkey was introduced by Secretary Charles Nagel to the United States Senate Committee on Conservation of National Resources, and during his examination by that committee he made the following statement, to wit, on page 14 (hearings on Senate bill 9959, February 4, 1911, Committee on Conservation of National Resources):

Dr. HORNADAY. How many "short 2-year-olds" were killed last year?

Mr. LEMBKEY. I do not understand your term. No seals under 2 years old, to my knowledge, were killed.

Dr. HORNADAY. What would be the age of the smallest yearlings taken?

Mr. LEMBKEY. Two-year-olds rarely, if any. I may state here, Dr. Hornaday, that a great difference of opinion exists between Mr. Elliott and the remaining people who understand this situation. There is a great gulf between their opinions, and it can never be reconciled on the question of the weights of skins of 2-year-olds.

Prof. ELLIOTT. I will present my information in a moment.

Dr. HORNADAY. The minimum weight is what?

Mr. LEMBKEY. Five pounds. During food drives made by the natives, when

But the official instructions of the bureau declare that that 6½-pound limit has been raised to 8½ pounds, and that Lembkey has killed all seals having skins under that limit.

[Instructions issued Mar. 9, 1906.]

SEC. 8. *Sizes of killable seals.*—No seals shall be killed having skin weighing less than 5 pounds nor more than 8½ pounds. Skins weighing more than 8½ pounds shall not be shipped from the islands, but shall be held there subject to such instructions as may be furnished you hereafter by the department. Skins weighing less than 5 pounds shall not be shipped from the islands, unless, in your judgment, the number thereof is so small as to justify the belief that they have been taken only through unavoidable accident, mistake, or error in judgment.

SEC. 10. *Seals for food.*—The number of seals to be killed by the natives for food for the fiscal year beginning July 1, 1906, shall not exceed 1,700 on the island of St. Paul and 500 on the island of St. George, subject to the same limitations and restrictions as apply to the killing of seals by the company for the quota. Care should be taken that no branded seals be killed in the drives for food.

[Instructions issued Apr. 15, 1907.]

Identical with instructions of 1906.

[Instructions issued Apr. 1, 1908.]

Identical with instructions of 1907.

[Instructions issued Mar. 27, 1909.]

SEC. 10. *Seals for food.*—Identical with instructions for 1906, 1907, and 1908, except in addition is added "The maximum weight for food skins shall not exceed 7 pounds."

[Instructions issued May 9, 1910.]

SEC. 11. *Seals for food.*—Driving for natives' food should not begin before October 20, and care should be exercised at that date that the skins of seals killed be no "stagey" to a degree that would impair the commercial value of the skin.

the seals killed are limited to 6½ pounds, in order to exclude all these 3-year-olds branded during the summer, you understand the natives do kill down a little more closely than our regulations allow, for the reason that they need the meat, and since they have to exclude all these fine, fat seals over 6½ pounds they go for the little fellows a little more closely.

The CHAIRMAN. How many seals were killed last year for food by the natives?

Mr. LEMBKEY. The limit was 2,500. Speaking offhand, I think about 2,300 were killed.

Q. Were any females killed?—A. No, sir; not to my knowledge, and, as I stated, I carefully interrogated these two gentlemen who had charge of this killing, and they stated that to their knowledge no female was killed.

Q. What class of males were killed by the natives for food?—A. Under 6½ pounds—

(Hearing No. 14, p. 907, July 25, 1912, H. Com. Exp. Dept. C. & L.)

Lembkey swears that he annually reserves from slaughter 1,000 3 year old male seals, before any killing is done, for the season in June.

Mr. LEMBKEY. Before any killing was done this summer, as has been the practice for some years past following the bureau's instructions, 1,000 of the choicest 3-year-olds appearing in the first drives of the season were reserved for future breeders and marked by shearing their heads, so as to render their subsequent recognition during the season an easy matter. These seals, thus marked, were immune from clubbing and were not killed. These 3-year-old seals the following year became 4-year-olds, the killing of which class in general is prohibited. Only after the 1,000 3-year-olds, known as the breeding reserve, is secured and marked does the killing of seals for skins begin. The killing is confined only to the 2 and 3-year-old immature males not required for purposes of reproduction. To obtain these, the breeding rookeries are not disturbed, but the bachelors hauling grounds on either island were driven every fifth or sixth day if seals were found thereon in sufficient numbers to justify driving. The killing season begins on July 1 and ends July 31, but one drive is always made subsequently on August 10 to furnish the natives with fresh meat during a portion of the so-called "stagey" season (when the seals shed their hair), which begins August 10 and ends October 20,

Drives for food should be made not oftener than the needs of the natives in that respect require. Drives for food on rookeries remote from the villages should not be made unless the carcasses actually are necessary for natives' food or for food for foxes, or for some other sound reason, and in any event, care should be taken to preserve for future use the carcasses of such seals as are not immediately disposed of. The number of seals to be killed for natives' food for the fiscal year beginning July 1, 1910, should not exceed 1,700 on St. Paul and 500 on St. George. No female seal or seal having a skin weighing under 5 pounds or more than 7 pounds shall be killed during the so-called "food-killing season." Care shall be taken that no reserved or marked bachelors be killed in the drives for food or at any other time.

[Instructions issued Mar. 31, 1911.]

Identical with instructions of 1910.

(Hearing No. 10, pp. 483-486, April, 1912, H. Com. Exp. Dept. C. & L.)

But Clark reports that these reserved seals of June are all killed as food seals in October following or in the following spring.

3. *The reserve of bachelors.*—Beginning with the season of 1904, there has been set aside each spring a special breeding reserve of 2,000 young males of 2 and 3 years of age. These animals have been marked by clipping the head with sheep shears, giving them a whitish mark readily distinguishing them to the clubbers. They are carefully exempted on the killing field and released.

This method of creating a breeding reserve seems open to considerable criticism, and has apparently been only moderately successful. The mark put upon the animal is a temporary one. The fur is replaced during the fall and winter, and the following spring the marked seals can not be recognized. The animals being 2 and 3 years of age are still killable the next season, the 2-year-olds in fact the second season. A new lot of 2,000 is clipped the next season, and these are carefully exempted, but, except in so far as animals of the previous season's marking are reclipped, they have no protection the second season, and without doubt are killed.

If such is not the case, it is difficult to understand what becomes of them. The annual reservation from 1904 to 1907, both seasons included, would aggregate 8,000 animals. These animals would be of ages ranging from 8 to 5 years this season. The

and during which no killing is done.—  
(*Hearing No. 9, pp. 362, 363, Feb. 29, 1912. House Com. Exp. Dept. Com. and Labor.*)

only animals present in 1909 which could have resulted from this reservation were the 513 idle and half bulls. Even if we assume that they have in the meantime replaced the entire stock of breeding bulls, this would account for only 1,900 of them, and the active bulls were for the most part of a distinctly older class.—(*Report G. A. Clark to Secretary Nagel, Sept. 30, 1909, p. 847, Appendix A, House Com. Exp. Dept. Com. and Labor, June 24, 1911.*)

Were these regulations continued? No. As soon as Mr. Hitchcock was promoted to the Postmaster General's office in 1905 a person named E. W. Sims, "solicitor" of the department, was put in charge of the fur-seal business, and then this same Mr. Lembkey was prevailed upon to nullify the "Hitchcock rules," so that in 1906 the lessees secured every young male seal that hauled out, over, and under 1 year of age and upward.

This close killing was continued on the islands up to the passage of the act of August 24, 1912, which stops it completely for five years.

And this close killing since 1896, when first ordered, has been done in violation of the regulations forbidding it, up to date, and is responsible for this wreck of the herd as we find it to-day.

What is the loss which the public Treasury has suffered since 1896 by reason of that violation of law and regulations then and since (i. e., reduced to a matter of dollars and cents)? I answer as follows:

I. This excessive close killing of the young males has so disturbed the balance of natural order and the system of the breeding rookeries that instead of having a herd of 1,000,000 seals on them to-day we have only 190,555.

II. Had it not been for the work of the pelagic sealer since 1896 to December 15, 1911, the harems on the islands to-day would be at the ratio of 250 to 500 cows (yes, even 1,000) to 1 bull, and that would have fairly destroyed the species by 1907-1909.

III. Therefore this killing so close and in violation of the regulations since 1896 to date has cost us the loss of over 120,000 seals taken in flagrant, criminal trespass by the lessees and in violation of their contract; but it has also cost us vastly more in the loss of the earning power of this herd, which should have been, and would have been, properly conserved had it not been for the greedy interference of these private interests when foreign governments were approached with negotiations for the elimination of pelagic sealing and all private interests in the killing of seals on land and in the sea.

IV. The sum total of loss actually suffered by the public Treasury through this combination between the lessees and our own agents and officials may be summed up fairly as follows, to wit:

To loss of 120,000 "yearlings," (or "eyeplaster" skins), at \$30.....	\$3, 600, 000
To loss of annual earnings of a fully restored herd (as it would have been had it not been for interference of lessees in 1890-91), of 4,700,000 seals from 1897 to 1913—16 years' output of 60,000 prime skins annually.....	48, 000, 000
Total loss.....	51, 600, 000

Or, in short, and to be nearly exact, we have lost \$3,600,000 by criminal trespass of lessees since 1896, and fully \$48,000,000 by improper interference of lessees and others with negotiations which,

but for them, would have been successfully consummated in 1891-92, and the herd fully restored by 1897.

The following illustration of loss suffered on the rookeries and the hauling grounds of St. Paul Island holds good for the smaller sister island of St. George:

The acreage of the breeding rookeries on St. Paul Island in 1872-1874, when there were 1,500,000 breeding cows and 90,000 bulls thereon, was 144 acres.

The acreage of the hauling grounds of St. Paul Island in 1872-1874, when at least 1,500,000 yearlings, 2, 3, 4, 5, and 6 year old males were out on them intermittently during the season, was 3,200 acres.

In 1890 this acreage of the breeding rookeries was reduced to one-third of 1874, or to 46 acres.

In 1890 the hauling grounds of 1872-1874 were practically abandoned, because there were less than 100,000 yearlings, 2, 3, 4, 5, and 6 year old males out on them. The entire area then visited by the holluschickie was not more than one-tenth of the breeding grounds in 1890, or 5 acres.

In 1913 this acreage of the breeding seals had decreased from its form in 1890 at least five-sixths, or to  $7\frac{1}{2}$  acres.

In 1913 the hauling grounds of 1890 were about half the same area as then, with less than 40,000 yearlings, 2, 3, 4, 5, and 6 year old males, or to 3 acres.

The object in view which has stimulated this destruction, as above shown, is in turn exposed to view, as follows:

*Statement of the net profits of the lessees of the seal islands of Alaska from 1870 to 1910, inclusive. From items gathered during the seasons of 1872-73, 1874, 1876, 1890, to date. July 29, 1910, by Henry W. Elliott.*

#### PROFITS OF FIRST LESSEES, ALASKA COMMERCIAL CO., OF SAN FRANCISCO, CAL.

(First lease.)

1870-1890 (20 years): Total catch, 1,856,224 seals; of these when taken during the seasons of 1870-1878, 1884, and 1885, inclusive, the catches aggregated 969,374 seals; the average price per skin realized in London for them was nearly \$11.20 per skin, or.....	\$10, 746, 989. 80
The balance when taken during the seasons of 1879-1883 and 1886-1889, the catches aggregated 886,850 seals; the average price realized in London for them was nearly \$18.50 per skin, or.....	16, 407, 225. 00
Showing a gross sum total of.....	27, 153, 514. 80
From this gross sum total the cost of each skin at \$4.52 $\frac{1}{2}$ as incurred by the lessees for tax, rental, and other charges incidental, must be subtracted, or the sum of.....	8, 399, 603. 60
Declaring a net profit of.....	18, 753, 911. 20

#### PROFITS OF THE UNITED STATES GOVERNMENT FROM THIS WORK OF THE LESSEES, AS ABOVE STATED.

Gross revenue derived from said catch of 1,856,224 seals, each skin paying a tax of \$3.17 (tax, rental, and bonus).....	\$5, 894, 230. 08
Less cost of supervision, patrol, and protection of the seal herds from 1889-1890, 21 years, inclusive, was an average of \$30,000, or in round numbers a sum total of.....	630, 000. 00
Declaring a net profit to the Government of.....	5, 264, 230. 08



# 178 INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

PROFITS OF THE NORTH AMERICAN COMMERCIAL CO., OF SAN FRANCISCO.

(Second lease.)

1890-1910 (20 years): Total catch, 343,365 seals. With the exception of the seasons of 1894-1898, inclusive, the average price has been \$28 per skin; the highest average was in 1890, when it went to \$36.50 (due to all "prime skins"), and the lowest was in 1897, when it fell to \$15.50; the last sale, 1909, was \$30 and made up of "small pup" or "eyeplaster" skins chiefly.

This record of the second lease declares that its aggregated catch of 343,365 skins sold in London for.....	\$9, 614, 222. 00
From this gross sum total the cost of each skin at \$13.45 for tax, rental, and other incidental charges must be subtracted, or the sum of.....	4, 637, 646. 00
Declaring a net profit of.....	<u>4, 976, 574. 00</u>
Profit of the United States Government from this work of the lessees as stated above, derived from said catch of 343,365 seals, each skin paying a tax, rental, and bonus of \$10.22.....	3, 509, 190. 30
Less cost of patrol, supervision, and protection of this seal herd from 1889 to May 1, 1910, 20 years, at an average cost from start to finish of \$250,000 annually.....	<u>5, 000, 000. 00</u>
Declaring a net loss of.....	1, 491, 809. 70

This in brief is the loss fairly and conservatively stated, which the Public Treasury has suffered by the mismanagement of our fur seal herd of Alaska since 1890-91 to date:

I have this to say anent that remarkable combination which has been made in Washington, on the seal islands, and elsewhere to loot and ruin this fine public property.

Whenever facts were courteously given to Secretary Nagel and his associates, these men either denounced the action as an "impertinence" and "meddlesome" or ignored them.

Of course this is the natural result of a partnership between the Government and private business interests. Such a partnership is a close corporation, into which no one else has a right to intrude.

To oppose the wishes of this combination, to question the facts upon which it relies, to suggest that any others, or the people have any rights that ought to be considered, even to seek for information outside this circle of the interests involved by the lease, all this was very "tiresome" and "impertinent."

The men on the inside, Liebes, Mills, Jordan, Elkins, Clark, Lembkey, Bowers, et al., had made up their minds that certain things must be true, and all they wanted was that "evidence" which "proved" their theory; they furnished the "evidence."

They did not want the truth as it actually exists, but the "truth" only in so far as it conformed to their preconceived ideas of what it should be.

With the foregoing statements carefully made, I now desire to submit the several items of fact which bear directly on the effect of killing yearling seals as has been done by the lessees and our own agents and others, upon the life of the fur-seal herd, and this showing I arrange as



## EXHIBIT I.

In Exhibit III, following, are the itemized lists of more than 120,000 yearling seals which have been taken by the lessees since 1896, on the Pribilof Islands, in criminal trespass.

The sole object of prohibiting the killing of yearlings by law and regulations was and is to prevent the killing of female seals, since the sex of seals can not be told apart when as yearlings they haul out upon the islands. The yearling female is precisely of the same size, shape, and outward appearance and behavior, from every point of view, as is the male yearling. Unless she is caught and examined by our hand her sex can not be told truly by us or by any human being—only guessed wildly.

Therefore, as it is utterly impracticable to capture, examine, and separate the male and female yearlings on the hauling grounds or killing grounds, the killing of them as a class has been prohibited and wisely ordered, since this class is easily recognized on the slaughtering field.

In spite of this prohibition, when the numbers of 2 and 3 year old male seals as secured ran down year after year to zero, the lessees in order to get the full number allowed them of 2 and 3 year old seals, entered into a combination with the agents of the Government and slaughtered the yearlings by the tens of thousands; but falsified that work to the Government, declaring that no seals had been taken under 2 years of age since 1896. The details of this malfeasance and fraud on the part of the Government agents and the lessees are fully given in Exhibit III (posted).

In order that an adequate idea may be formed of what the loss to the herd is when female yearlings are killed (and half of the 120,000 yearlings taken since 1896 were females), the following table of increase which 4,500 slaughtered yearling cows in 1896 would have brought to the herd is given, to wit:

*Table showing the natural increase of 4,500 yearling cows from 1896 to 1909 if they had been suffered to live undisturbed on the Pribilof rookeries.*

Year.	Breeding cows.	Pups.	Yearling cows.	Yearling males.	Two-year-old males.	Three-year-old males.	Four-year-old males.	Remarks.
1896.....			4,500					
1897.....	4,415							
1898.....	4,327	4,327						
1899.....	4,241	4,241	1,031	1,031				
1900.....	5,238	4,157	1,001	1,001	1,000			
1901.....	6,106	5,136	1,010	1,010	1,000	990		
1902.....	6,997	5,984	1,250	1,250	1,000	1,000	840	
1903.....	8,143	6,859	1,450	1,450	1,350	980	850	
1904.....	9,477	7,981	1,700	1,700	1,650	1,294	800	
1905.....	11,073	9,369	1,990	1,990	1,800	1,500	1,000	
1906.....	12,846	10,851	2,342	2,342	2,250	1,760	1,200	
1907.....	14,912	12,590	2,700	2,700	2,600	2,200	1,500	
1908.....	17,324	14,614	3,000	3,000	2,850	2,600	2,000	
1909.....	20,225	16,978	3,600	3,600	2,940	2,750	2,250	

The 5-year and 6-year old bulls are not carried in this table, which is to express the loss in value of commercial skins; all male skins over 4 years have no real commercial value.

The above exhibit declares that by 1909, or in 12 years' time from their initial or first impregnation, July, 1897, these 4,500 yearling cows of July, 1896, would have increased five fold—to 20,225 breeding adult females and to 16,978 pups born July, 1909, to 3,600 yearling cows of 1909 to 3,600 yearling bulls of 1909, to 2,940 2 year old bulls of 1909, to 2,750 3 year-old bulls of 1909, and to 2,250 4-year-old bulls of 1909, being the increase of 4,500 yearling cows to 52,343 seals in 12 years—from 1897 to 1909.

When Lembkey and the lessees killed yearlings, they knew that they were females after they had killed them and that they could not tell the sex until after they had killed them. In his report, 1904, page 55, Appendix A, Lembkey says: "One yearling was killed by me during the summer to determine the weight of that class of skins. The entire animal—a female \* \* \* ." Again in his report he tells us that the yearling females are in the drives with the yearling males, and that he killed one to ascertain its weight and sex (p. 77, Appendix A), to wit: "On July 1, there were three yearling seals in the drives at North East Point. One of them, a typical specimen, was knocked down at my direction to ascertain the weight of the skin. It was found to be a female \* \* \* ."

Dr. Jordan also knew that the yearlings hauled out males and females together, and that they could not be told apart as to sex by outward survey unless caught and handled. He is officially recorded as follows in that connection:

ST. PAULS ISLAND,  
*Saturday, August 1, 1896.*

Dr. Jordan, assisted by the natives \* \* \* drove up part of one and two year old seals from the Reef Rookery: they were examined with a view to determining whether or not yearling seals were to be found among these young bachelors. It is now conceded that yearling females do not haul out on the rookeries but among the holluschickie." (Official Journal Government Agent, St. Pauls Island, Alaska, p. 465.)

These 128,000 yearlings which were taken by "criminal trespass" between 1890-1909 were so taken in violation of law and regulations and by collusion with certain public agents, who had guilty knowledge of this work.

One-half of this number of yearlings by the natural law of their birth were female seals, which were to become nubile mother seals one year later, and which as such would each live from 10 to 12 years, bearing annually one pup during that period of their lives.

Therefore this killing by criminal trespass and in guilty knowledge of these 60,000 yearling cows has cost the Government the full value of that annual increment to the seal herd which those cow seals would have made since 1896, plus that increase in turn which their offspring would have made, and so on in turn annually up to the season of 1912.

Upon a basis of calculating that particular loss from this single killing of those 4,500 yearling cows in 1896, for example, thus suffered by the Public Treasury, we find that this loss from a systematic killing of yearlings which was begun by the lessees, in violation of the Carlisle rules of May 14, 1896, in June-July, 1896 (and continued by them up to the end of their lease in 1909), to be fairly stated as follows:

We start with 4,500 yearling cows which were killed in 1896; in 1897, if not so killed, they would have returned less 2 per cent of that number from natural death rate, or as 4,415 two-year-old cows; they go directly to the breeding grounds and are there impregnated for the first time as "nubiles."

In 1898 they return again as 3-year-old cows, or "primipares," less 2 per cent of their number from natural death rate, or 4,327 new cows, and each one bears one pup. They are again served and leave.

In 1899 they return again, less 2 per cent from natural death rate, or as 4,241 "multipares," and bear their pups—4,241 of them. In the meantime the 4,327 pups born in 1898 have returned to the hauling grounds as "yearlings," less 50 per cent of their number, or 2,163 of them.

In 1900 these cows return again, less 2 per cent natural death rate or 4,157 of them, and bear 4,157 pups; their number is now increased by the "nubiles," or their own daughters, which come out with them as 2-year-old cows from the yearlings of 1899, or 1,000 "nubiles," making 5,238 cows as breeders this year.

In 1901 these cows return exactly as in 1900, bear their pups, and are again increased in numbers by the "nubiles," or "yearlings," of 1900, making 6,106 cows as breeders this year; in the meantime the 4,327 pups born in 1898 have returned, less 50 per cent of their number in 1899, as 2,163 "yearlings," and in 1900 these "yearlings" have returned, less 2 per cent of their number from natural death rate, as 2-year-olds; one-half of them being females are "nubiles" (1,030 of them), and have gone upon the breeding grounds, never to be on the hauling grounds again, with the young males.

The foregoing table, showing the annual increase of those 4,500 yearling cows if not disturbed by man on the islands and in the sea, declares the fact that from 1896 to 1909 that that single killing of 4,500 yearling cows in 1896, in violation of the Carlisle rules, actually caused the loss of 20,225 adult female seals and 20,000 2-year-old male seals from the herd's total life.

Upon this basis of fact, in calculating the actual loss to the Public Treasury from the effect of taking 60,000 yearling cows from the Pribilof Island seal herd between 1890-1909, in criminal trespass by the lessees, it appears that—

I. That that killing of 60,000 yearling cows has had the full effect of taking 200,000 choice 2-year-old male seals from the Pribilof herd between 1890-1909, and it has also destroyed 200,225 adult breeding cow seals, or, summed up—

II. A property loss of 400,000 seals; the value of their skins is not less than \$20,000,000, to say nothing about the loss of the annual earning capacity. Then Elliott having charged the killing of these young yearling seals, males and females alike, Lembkey declared that it could not be so, since all the killing was done under his direction by the natives, who never made any mistake about the age of seals when they were killing them. Lembkey testified, January 25, 1907, to the Ways and Means Committee (MS. Notes, Hearing on Fur Seals, p. 58):

Mr. LEMBKEY. I may say, Mr. Chairman, that the clubbers on the islands are expert in their business and they can determine the weight of a skin on a live seal to within a fraction of a pound.

Mr. GROSVENOR. That's all I wanted to know.

Mr. LEMBKEY. They also know the age of a seal from his appearance.

The seal island natives, in a sworn statement made to the agents of the House Committee on Expenditures in the Department of Commerce, on St. Pauls Island, July 24, 1913, declared that they not only knew seals by ages, but that when they killed them they knew

it then, and that in 1896 they first began to kill yearling seals for the lessees under the orders of the lessees and the Government agents. (See Exhibit D, Report Special Agents, House Committee on Expenditures in the Department of Commerce, Aug. 31, 1913.)

The following proof is submitted that the pups are born equal in number as to sex, and that brings them as "yearlings" onto the islands males and females alike entirely as to numbers, outward shape, coats, size, and weights, as seen when driven and killed:

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
*Friday, June 2, 1911.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

Mr. ELLIOTT. Now, Mr. Chairman, how do we know that yearlings are females and males equal in sex? How do we know, when we kill yearlings, that we are apt to kill as many females as males without examining them? How do we prove it? I prove it in this way first, and it has been affirmed even by this "advisory board." I said in 1881, in my official monograph, that from my calculations, in round numbers, a million pups are born every year on these islands.

Mr. McGUIRE. When was this?

Mr. ELLIOTT. In 1874 that I prepared it, but it was published officially in 1881. They have been carefully elaborated by the Government. That a million pups are born every year on these islands, and of this million one-half are males. How did I know that? In November, 1872, I stood over a killing of these pups, which were then 4½ to 5 months old, which was allowed by the Treasury Department for "native's food" [and that has been allowed for some time by the Russians], and just before these pups were departing for the winter, and the solitude of winter was to come over the islands, there being no birds, or fish, or anything, the natives wanted some choice food to hang up, some meat, and as the pups are the sweetest and most toothsome seal meat, they naturally desired pup meat. So they killed in the autumn, under my eyes, several squads, altogether some 10,000 pups; but I tallied 9,000 pups between November 15 and November 25, 1872, at St. Pauls village, of which 4,800 were males. The "advisory board," represented by Mr. F. A. Lucas, in 1897, addressed me a note saying:

"DEAR MR. ELLIOTT: Can you give me the exact number of pups you counted for sex and the proportion of males and females? Looking over my own notes makes me wish to quote you exactly.

"F. A. LUCAS."

I sent him this memorandum:

[Memorandum for Lucas.]

"Nine thousand pups driven November 15-25, 1872, 1,670 tallied by myself, 855 of which were males; the rest tallied by Church; average weight 39 pounds; some as high as 50 pounds and some as low as 28 pounds."

Then I received another note from Mr. Lucas, as follows:

"DEAR MR. ELLIOTT: Your figures on pups came in finely and make it certain that there is a small preponderance of males; our figures were, males, 388; females, 362—a total of 750, not far from yours.

"F. A. LUCAS."

That was a pretty close tally; you see I was right, and that I knew what I was about. I also penned this memorandum, which was made on that pup-weighing day:

"ST. PAUL ISLAND, BERING SEA,  
"November 20, 1872.

"A pup, average weight of 4,800 fur-seal pups, as tallied November 20, 1872, determined on the killing grounds, average gross weight 39 pounds, thus: Clean skin, 2 pounds 11 ounces; all the blubber, 14 pounds; tendons, flesh, and flippers, 14 pounds and 5 ounces; bones and intestines, 7 pounds and 8 ounces—a total of 38 pounds and 8 ounces—"

Or a weight of practically 39 pounds for a pup that was 4½ to 5 months old. (Hearing No. 1, pp. 25, 26.)

**EXHIBIT II. AN EXHIBIT OF THE FACTS WHICH SHOW US  
THE SOLE FIRST CAUSE OF THAT COMMERCIAL RUIN OF  
OUR FUR-SEAL HERD WHICH WE NOW OBSERVE ON THE  
PRIBILOF ISLANDS.**

If it were not for these records elaborately and systematically made on those desolate hauling grounds, which I published in 1874 and 1890, it would be fairly impossible to get an adequate idea of what an immense herd of fur seals was in existence at the time and when we took possession of Alaska in 1867.

Then, when that idea is grasped, and it is made clear that ever since 1857, up to the hour of 1867 when the herd became ours, this wild life had remained at about a steady annual number of 4,700,000 seals of all classes, we ask, What have we done to reduce it, so by this year of 1913, all that we find surviving of it are only 190,555 seals of all classes?

Why did we lose this herd, when the Russians easily kept it from 1857 to 1867 in that fine form and number?

The answer is made easy in the light of the following facts:

I. It is a fact of indisputable record, that the Russians never killed or disturbed the female seals on the rookeries of St. Paul and St. George Island, from start to finish of their possession of them.

II. It is a fact of indisputable record, that from 1786-87 up to 1800 the Russians annually took from 120,000 to 60,000 young male, and yearling seals from these hauling grounds; and during all that time never took any seals at sea, nor were these seals taken at sea by any other people save the few annually secured by the northwest coast Indians.

III. It is a fact of indisputable record that the Russians, beginning in 1800 with an annual catch of 40,000 young male seals and yearlings, by 1817 had the greatest difficulty in getting that number then; and notes of protest against the killing on the islands were sent to Sitka by the caretaker, Kazean Shaishnikov, of St. Pauls Island, urging the governor of the R. A. Co. to rest the seals from killing for a term of years. No pelagic sealing was known to the Russians during this period of any kind.

IV. It is a fact of indisputable record that while the protest of Shaishnikov was noticed favorably by the governor, yet the directors of the R. A. Co. at St. Petersburg did not consent; that they renewed their orders to kill and sent one of their number, Gen. Yahnovsky, out from St. Petersburg in 1818 to the seal islands, charged with the business of examining into the cause of this loss of surplus male life on the islands.

V. It is a fact of indisputable record that Yahnovsky in 1820, after spending the entire season of 1819 on the Pribilof hauling grounds and rookeries, made a confidential, detailed report which declared that this immense decline in the life of the fur-seal herd was due entirely to the annual killing of all of the young male seals and

yearlings which the drivers of the company could secure; he urged a complete cessation of it for a term of years.

VI. It is a fact of indisputable record that this request of Gen. Yahnovsky was ignored by the directors, and the orders to get all of the young male seals and yearlings were annually renewed; and

VII. It is a fact of indisputable record that at the end of the season of 1834 instead of getting 20,000 holluschickie they secured with the "utmost exertion" only 12,000 "small" (yearling) seals; and that with the end of this season's work the herd was so reduced that the directors were obliged to order a 10 years' rest to all commercial killing on the islands, which went into effect in the summer of 1834, and was faithfully enforced; so that by 1844 commercial killing was resumed of a relatively small number, beginning with 10,000 to 13,000, increasing gradually annually up to 1857, when this herd yielded that year 62,000 "choice young male" seals, and the herd itself had regained its natural and normal maximum number, viz, from 4,500,000 to 5,000,000 seals of all classes.

VIII. It is a fact that during all this period of decline and restoration of the Russian herd from 1800 to 1857 there was nothing known of or hinted at which is now so well known as "pelagic sealing."

IX. It is a fact that when we took possession of the herd we leased them to a corporation, with a permit to take annually 100,000 young male seals, or 40,000 more every year than had been the average number taken by the Russian management since 1857.

X. It is a fact of indisputable record that by 1883 our lessees had great difficulty in getting their quota this year of 100,000 "prime" 3 and 4 year old skins; that they began to scour the hauling grounds for them and increased the rigor of that search and driving annually thereafter.

XI. It is a fact of indisputable record that up to this time of first difficulty since 1870 of getting annually 100,000 fine young male seals no pelagic sealing of the slightest consequence was in operation. Only six or seven small vessels, busy for a few weeks in the year off the Straits of Fuca and west coast of Vancouver Island, had appeared in the sea up to the opening of the season of 1886.

1. Therefore in the light, as above clearly and fairly thrown by these records of past experience, we now know that the Pribilof herd was reduced to the very same commercial ruin by 1834 which we now find our herd reduced to in 1913.

2. And that this ruin of 1834, and again in 1913, was caused by the very same close killing annually of all the young male seals and yearlings that could be secured by the greedy Russian contractors and by our lessees.

3. And that the Russians to save and restore the herd were compelled to stop this excessive and improper killing in 1834 and suspend any commercial killing on the islands for 10 years thereafter, or up to 1844-1846.

4. And that the experiment of annually taking 100,000 choice, young male seals since 1870 up to 1890 by our lessees, as against the habit of taking 60,000 annually by the Russian lessees, was a bad one; and that this number of 100,000 "surplus male seals" was an excessive and destructive killing, which has led to a complete elimination of the breeding male life of the herd, as we see it to day, and which policy if continued will surely exterminate the species itself.



I now reach in due order a very serious question which involves the intelligence and the honor of Dr. David Starr Jordan, who, as the chairman of the commission of 1896-7, visited the seal islands and reported to the United States Government upon the condition of this life.

In this report Dr. Jordan has deliberately falsified the authentic Russian records, which declared to him as they declare to us the fact that female seals were never killed by the Russian authorities on the seal islands of Alaska—never from start to finish of their régime.

DR. JORDAN DELIBERATELY FALSIFIES THE RUSSIAN RECORD IN RE  
NOT KILLING FEMALE SEALS.

Dr. Jordan had full knowledge of the fact that the Russian killing of seals from the time the old Russian-American Co. took charge of the Pribilof herd in 1800, up to the day we received it from them in 1867, never permitted the killing of female seals. He, with that full knowledge in his possession, after holding it for nearly two years, has the following untruthful statement to finally report under date of February 24, 1898, relative to the conduct of this work of killing seals by the Russian management of the herd, to wit:

On page 25, Fur Seal Investigations, Part 1, 1898, under head of "The company's management," he says:

At once, upon assuming control of the islands, the Russian-American Co. put a stop to the ruthless slaughter which threatened the fur-seal herds with destruction \* \* \*. They still continued to kill males and females alike. The injury to the herd naturally continued \* \* \*.

That Dr. Jordan could make such a statement in distinct denial of the only authority which he has used and knows, is hard to believe, when on page 222 following, of this same report above cited, part 3, appears the following translation of Bishop Veniaminov's account of this killing, which was originally published in St. Petersburg, 1839, by Von Baer, to wit:

The taking of fur seals commences in the latter days of September \* \* \*. The siekatchie (bulls) and old females (i. e., 2 years and older) having been removed, the others are divided into small squads, and are carefully driven to the place where they are to be killed, sometimes more than 10 versts distance \* \* \*. When brought to the killing grounds, they are rested for an hour or more, according to circumstances, and then killed with a club \* \* \*. Of those 1 year old, the males are separated from the females, and killed; the latter are driven carefully back to the beach.

Here is the explicit clear-cut statement made by Veniaminov, who, writing in 1825, after a season spent on St. Paul Island, denies Dr. Jordan's assertion that the Russians killed male and female seals alike, and that that killing of females destroyed the herd.

And still worse for Dr. Jordan, this translation quoted was made by Leonhard Stejneger, one of Dr. Jordan's own associates on the seal islands in 1896-97.

There is but one conclusion for any fair mind in the premises. That the Russians did not kill the female seals is positively stated by the only authority who has been invoked by Dr. Jordan in the premises, and who has been translated at length in Dr. Jordan's final report, and correctly translated, as above cited.



In this connection it is also passing strange that Dr. Jordan should have gone out of his way to misquote another authority who has explicitly denied the killing of female seals by the Russians. On page 25 Jordan's own statement is:

In 1820 Yanovsky, an agent of the imperial Government, after an inspection of the fur-seal rookeries, called attention to the practice of killing the young animals and leaving only the adults as breeders. He writes: "If any of the young breeders are not killed by autumn they are sure to be killed in the following spring."

Unfortunately for Dr. Jordan, he has not quoted Yanovsky correctly. He has deliberately suppressed the fact as stated by this Russian agent, and put another and entirely different statement in his mouth. Witness the following correct quotation of Yanovsky:

In his report No. 41, of the 25th February, 1820, Mr. Yanovsky in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, seekatchie, and half siekatch are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed the next spring. The consequence is the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct. (Appendix to case of United States Fur Seal Arbitration: Letter No. 6; p. 58, Mar. 15, 1821.)

Think of this deliberate, studied suppression of the fact that the Russians did not kill the female seals thus made by a "scientist" like Dr. Jordan, as above. Why does Dr. Jordan attempt to deceive his Government as to the real cause of that Russian decline of the herd between 1800-1837? Why, indeed, when the truth is so easily brought up to confound him?

He stands convicted out of his own hand of having falsified this record of Russian killing so as to justify the shame and ruin of that work of our own lessees, who are thus shielded by him in his official report to our Government dated February 24, 1898, and published by the Secretary of the Treasury in January, 1898, under title of "Fur Seal Investigations," parts 1, 2, 3, and 4, 1898.

Why does Dr. Jordan substitute the word "breeders" for Yanovsky's word "bachelors" in his quotation from that Russian agent? Because a "breeder" must be either a male or a female seal and "breeders" must be both male and female seals—the very idea that Yanovsky clearly denies—the idea of killing female seals. He denies it clearly by saying that the "young bachelors" are killed, and they only.

This substitution of "breeders" for "bachelors" by Jordan is a guilty attempt to conceal the truth as told by Yanovsky, and plainly told by that Russian.

At this point, and with special regard to the killing of yearling seals, Dr. Jordan, in 1909, when the charges were being put up to him that those young seals were being taken in violation of law and to the injury of the herd, made no denial himself, but urged Secretary Nagel to send his own associate and assistant, George A. Clark, up to islands to investigate and report upon the charges, etc. (See Appendix A, pp. 815, 816; June 24, 1911, House Com. Exp. Dept. Com. and Labor.)

In this connection I now ask the committee to observe the following record of that report and its result, to wit:

On April 26, 1909, Henry W. Elliott addressed a detailed letter of specific charges to Secretary Charles Nagel, declaring that the agents of the Government, in collusion with the lessees, were killing yearling seals in open, flagrant violation of the law and regulations.

Mr. Nagel made no answer to Mr. Elliott, but on May 7, 1909, he selected and appointed George A. Clark as an agent of the department to proceed to and investigate these charges on the seal islands of Alaska (said Clark being urged for this work by Dr. Jordan).

On September 30, 1909, Clark filed an elaborate report and confirmed Elliott's charges in re killing yearlings without any qualification, thus; and I contrast it with that of his associate, Lembkey, up there in 1909, who denies the same, to wit:

LEMBKEY, UNDER OATH, DECLARES THAT HE DOES NOT KILL YEARLING SEALS—AND NEVER HAS.

COMMITTEE ON EXPENDITURES  
IN THE DEPARTMENT OF COM-  
MERCE AND LABOR, HOUSE OF  
REPRESENTATIVES,  
*Washington, D. C., Thursday,  
February 29, 1912.*

The committee met at 11 o'clock a. m.,  
Hon. John H. Rothermel (chairman) pre-  
siding.

Testimony of Walter I. Lembkey, agent  
Alaska Seal Fisheries, Bureau of Fish-  
eries, Department of Commerce and  
Labor.

Mr. LEMBKEY. Our killing is confined to 2 and 3 year old males exclusively. The seals which they desire to kill are dispatched at once by means of a blow on the top of the head with a heavy club, and the seal struck is rendered unconscious immediately, if not killed outright.

Briefly, Mr. Elliott has accused those charged with the management of the seal fisheries with malfeasance in office in that—

1. They have allowed the killing of thousands of yearling seals.

Mr. MCGILICUDDY. What do you call a yearling seal? Do you mean a seal that is 12 months old and no more?

Mr. LEMBKEY. A yearling seal, in the island nomenclature, is a seal which has returned to the islands from its first migration.

Mr. MCGILICUDDY. It may be more than 12 months old then?

Mr. LEMBKEY. It may be more, it may be a trifle less.

Mr. MCGILICUDDY. How much more than 12 months could it be?

Mr. LEMBKEY. It could not be but a little more, because all these seals are born during a period of three weeks, generally speaking, from the 25th of June to the 15th of July. Now, they return to the islands in a mass about the 25th of July.

Mr. MADDEN. If they were killed it would be a violation of law.

BUT CLARK, SPECIAL INVESTIGATOR OF SECRETARY NAGEL, REPORTS THE KILLING OF YEARLINGS BY LEMBKEY AND LESSEES!

The yearlings of both sexes for the season must number about 12,000 each.

This question of the proportion of the sexes surviving to killable and breeding age is a fundamental one. It could be settled in a very few seasons by such regulation of killing for the quota as would limit it to animals of 3 years of age and over, leaving the 2-year-olds untouched. The quota would then fall where it belongs, on the 3-year-olds, and give a close approximation of the survivals among the young males, which in turn could be applied to the young females. This was the method used in 1896-97, when a minimum of 6 pounds in weight of skins prevailed. During the present season and for some seasons past a minimum of 5 pounds has been in force, the skins taken ranging in weight all the way from 4 to 14½ pounds, bringing all classes of animals from yearlings to 4-year-olds into the quota.

The result of this manner of killing is that we have no clear idea from the quota of the number of younger animals belonging to the herd. From the irregularity of the movements of the yearlings of both sexes and the 2-year-old cows, they can not be counted or otherwise accurately estimated on the rookeries. (Report of George A. Clark to Secretary Charles Nagel, Sept. 30, 1909 (suppressed Nov. 17, 1909). See pp. 850-851, Appendix A, June 24, 1911, H. Com. Exp. Dept. of Com. & L.)

Mr. LEMBKEY. It would; if the regulations permitted it, however, it would be in accordance with existing law.

It should be remembered also that the law does not prohibit the killing of any male seal over 1 year or 12 months of age, although regulations of the department do prohibit the killing of anything less than 2 years old, or those seals which have returned to the islands from their second migration. (Hearing No. 9, pp. 360, 371, 372, Feb. 29-Mar. 1, 1912.)

We now come to the point in Secretary Nagel's agent's report where Mr. Nagel is specifically and clearly told that the lessees are taking yearling seals—are taking everything that comes into the drives—taking these little seals just as Elliott has charged they were taken on April 26, 1909, and taking them in open, flagrant violation of the law and regulations. The following description of that illegal and injurious slaughter is given to Mr. Nagel, September 30, 1909, and Mr. Secretary Nagel shut his eyes to it, and presumed to deny it to the Senate and House committees, February 4 and May 31, 1911, to wit:

*July 23.*—Attended the killing at Northeast Point and looked over the rookeries again after the drive. There are 5 harems to-day on the west side of Sea Lion Neck where only 3 were found on the 14th.

\* \* \* \* \*

The killing at the point this morning yielded 475 skins. The total number of animals driven was 712. Of these, 136 were shaved heads; 48 were rejected because too big, 53 because too little. Out of the 712 animals, therefore, only 53, or  $7\frac{1}{2}$  per cent, are available for next year's quota.

With this may be compared a killing made at Northeast Point in 1897. The total number killed was 1,322. The full drive numbered 3,869. There were no shaved heads. Of the 2,547 exempted from killing, 500 were too large, 2,047 too small. The 2,047 small seals, or 55 per cent of the whole drive, were left for the quota of 1898. Contrast with this the  $7\frac{1}{2}$  per cent left for the quota of 1910.

A killing was made at Halfway Point as usual on the return trip. It yielded 32 skins. Fifteen animals—young bulls—too large for killing and 9 shaved heads were exempted, but no small seals whatever. As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than 5 pounds weight are taken and also skins of 8 and 9 pounds. These latter are plainly animals which escaped the killing of last year because their heads were shaved. Otherwise it does not seem clear how they did escape.

*July 24.*—A killing was made this morning from Reef and Lukanin. Tolstoi has ceased to yield any bachelors. The killing yielded 685 skins; 135 shaved heads were turned back. The total number of animals driven was 941. Of the remaining exemptions, 81 were too big for killing, 40 too little. In short, only slightly over 4 per cent of the animals driven were left for the quota of 1910. The actual percentage killed was 72. If we add the number of killable size marked for breeding reserve, 135, the percentage of killable seals in this drive rises to 87 per cent. In a drive made from these same rookeries on this date in 1897 the percentage of killable seals was 23. (Report of Geo. A. Clark, Sept. 30, 1909; Appendix A, pp. 887-888; House Committee on Expenditures in the Department of Commerce and Labor, June 24, 1911.)

Then again, this same agent of Secretary Nagel, and expert, as above cited, George A. Clark (also Dr. Jordan's assistant), says in a letter to W. T. Hornaday, dated August 26, 1911, that the lessees killed yearlings in 1909, and "defends" the act. He sends a copy to the Hon. J. H. Rothermel, and asks that it be "brought to the attention of your committee," under date of August 28, 1911. In

it occur the following statements in re killing yearling seals (1909), to wit:

Aside from this I approved rather than objected to the close killing \* \* \* in 1909. It was a wise business policy in that season and in the seasons immediately preceding and following to take every possible male on which the North American Commercial Co. would pay the tax of \$10, and it must not be forgotten that the lessees paid this tax on every animal taken by them whether yearling or 3-year-old.

I criticized the close killing of the season of 1909 on two specific grounds. First, that it is economically wasteful to kill at 2 or 1 year old an animal which at 3 will produce a larger and a better skin. Second, that the lapping of the quota over the 3-year-olds tended to obscure an important scientific fact in the life of the herd which ought to be solved, and which I had hoped to throw some light upon. I objected to the killing of the younger seals upon these grounds only, and recommended that the killing be confined to the age of 3 years.

This shows that the killing of yearlings which Secretary Nagel denies in his letter to Senator Wesley L. Jones, February 23, 1911, was well known to and stated to Nagel by his own special investigator, George A. Clark, who was sent by him in 1909 to report upon this killing, and who did so report under date of September 30, 1909; his report appears to have been suppressed by Bowers (with Nagel's consent), and as stated on pages 82-84, Report of Elliott and Gallagher, agents House Committee on Expenditures in the Department of Commerce (Aug. 31, 1913).

IN PROOF OF THE FACT THAT THE LAND KILLING BY THE LESSEES HAS BEEN INJURIOUS AND WITHOUT PROPER RESTRAINT, THE FOLLOWING RECORD IS MADE, TO WIT (BY SECRETARY NAGEL'S OWN SPECIAL AGENT, SEPT. 30, 1909):

In 1896, Dr. Jordan and his assistant, George A. Clark, made an elaborate denial of the charge that excessive killing or too close killing of the young male seals had injured and if continued would exterminate the herd. (Pp. 33-36, Report, 1896: Treasury Doc., 1913.) In this argument they united in saying:

In all these regards (i. e., as to killing seals) the interests of the lessees of the islands must be identical with those of the herd itself and therefore with those of the Government of the United States.

George A. Clark, sent up in 1909 by Secretary Charles Nagel, and at Dr. Jordan's urgent request, to make an investigation into the condition of the herd, after the effect of 13 years' killing by the lessees as licensed in 1896, by Dr. Jordan, has this to say, as against the above, anent the interests of the lessees. (Report, 1909: Appendix A, p. 854.)

The history of the killing field since 1900 strongly suggests the wisdom of reserving to the Government in the future more complete control of work of taking the quota. The interests of the lessees and those of the herd are by no means identical, and the latter are paramount.

It is on the killing field, however, that the great need of a guiding and controlling hand is shown. In 1896-97 the Government agents ordered the drives. This season they have been entirely in the hands of the lessees. The young males set aside for breeding purposes having been marked, the lessees have been free to take what they could get, and this resulted in their taking practically all of the bachelors appearing on the hauling grounds.

\* \* \* \* \*

A diminished breeding reserve has therefore been possible. But we must consider a reversed condition of things, if pelagic sealing is to be done away with. The herd will then begin to grow. It will require a constantly increasing reserve of breeding

males, which must be saved from the killing fields. A leasing company will be just as eager to get all possible skins and will press the product of the hauling grounds, rising all too slowly, to its limit unless restrained.

\* \* \* With a fixed legal quota, and a limited time in which to secure it from a failing herd, there naturally results close, severe driving. In the eagerness to see that no possible bachelor escapes, the edges of the rookies are encroached upon and cows included in the drives. Fifty of them appeared in drives toward the close of this season. A drive that can not be made without including cows should be omitted. A drive which appears on the killing field with 15 to 20 cows in it should be released rather than incur the danger of clubbing any such cow by mistake. There should be some one in charge of the herd with power and discretion to do this. With a limited killing season, however, this would be unfair to the lessees. There should also be power and discretion to waive the limit and extend the time of killing if necessary.

There has been on the killing grounds since 1900 a constant struggle on the part of the leasing company in the closing years of its concession to get every possible skin from the declining herd. Its work has been aided by a high arbitrary legal quota and by a lowered minimum weight of skin, enabling it to gradually anticipate the quotas of succeeding years by killing younger animals. As a result there has occurred in these years probably the closest killing to which the herd has ever been subjected. Aside from the diminished supply of male life on the breeding grounds in 1904, this is shown in the fact that though the herd has declined two-thirds in size, the quota has never fallen more than one-third in size as compared with that of 1897.

Opposed to this struggle of the lessees has been the counter struggle of the Government's representatives to rescue a breeding reserve. Fortunately it has been successful.

The yearlings of both sexes for the season must number about 12,000 each.

This question of the proportion of the sexes surviving to killable and breeding age is a fundamental one. \* \* \* During the present season and for some seasons past a minimum of 5 pounds has been in force and skins taken ranging in weight all the way from 4 to 14½ pounds, bringing all classes of animals from yearlings to 4-year-olds into the quota.

The result of this manner of killing is that we have no clear idea from the quota of the number of younger animals belonging to the herd. From the irregularity of the movements of the yearlings of both sexes, and the 2-year-old cows, they can not be counted or otherwise accurately estimated on the rookeries. (*Report of the special investigation ordered by Charles Nagel, Secretary of Commerce and Labor; filed Sept. 30, 1909, by Geo. A. Clark, pp. 850-851, 866, Appendix A, June 24, 1911. House Com. Exp. Dept. Com. and Labor.*)

For this change in 1909, from serving the lessees in 1896, Clark's report was suppressed, and edited by the lessees' men, Bowers and Lembkey, thus, November 17, 1909:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
Washington, November 17, 1909.

MR. W. I. LEMBKEY,  
Bureau of Fisheries, Washington, D. C.

SIR: Assuming that you have read and carefully considered the fur-seal report recently made by Mr. George A. Clark, who visited the islands during the past summer, I desire that you prepare a statement of your views regarding the report, particularly with reference to such data and conclusions contained therein as do not agree with your understanding of the facts and conditions.

Kindly let me have this statement in form convenient for use at the conference of the advisory board next Tuesday.

Respectfully,

GEO. M. BOWERS,  
Commissioner.

This baneful result of Dr. Jordan's work in 1896-97, which was to assert positively that no killing by the lessees had been at fault or was the cause of the decline of the fur-seal herd or would be, is thus squarely admitted by his own man, in 1909—this man, Geo. A. Clark.

Leading up to this killing without any restraint (as stated truly by Clark) in 1896, and continued to 1909, by the lessees, is the following inside light on the cause and warrant which permitted that

illegal work to be eagerly and energetically prosecuted by both lessees and agents of the Government concerned, to wit:

WASHINGTON, D. C., *September 25, 1900.*

It is understood in this year's catch there is a much larger number than usual of 2-year-olds; the officials are very anxious that the young males in the herd should be weeded out as closely as possible, and as has been stated. \* \* \* The department would be glad if a way could be found to induce the lessees to kill a considerable number of the 5-year-old bulls. (Fur Trade Review: New York City, October, 1900, p. 513.)

This utterly absurd and untruthful statement being made to conceal the truth that during this very season of 1900, there were so few 2-year-olds and 3-year-olds, and still fewer 4-year-olds, with no 5-year-olds left, that the lessees had issued orders to get every yearling seal that hauled out, every one save the "runts" (i. e., the "Ex. Ex. Sm. Pups").

Then, to soberly and boldly come into the presence of the House committee, and swear that no yearlings had ever been killed, from May 31, 1911, until the truth had been forced out of them April 13, 1912, was the business of Secretary Charles Nagel and his entire staff of fur-seal officials and "experts."

#### PROOF OF GUILTY KNOWLEDGE OF UNLAWFUL TAKING OF YEARLING SEALSKINS, 1896-1912.

That Charles Nagel, Geo. M. Bowers, Barton W. Evermann, Dr. David Starr Jordan, Geo. A. Clark, and the entire fur-seal service under their control had full and authoritative knowledge of the real weights of one, two, three, four, five, and six year old sealskins when fresh removed and properly skinned for salt curing, is well proven by the following facts of official record in the Department of Commerce and Labor, when they prosecuted and directed the killing of fur seals on the Pribilof Islands during the seasons of 1909, 1910, 1911, 1912, and 1913, to wit:

I. On April 17, 1874, Congress passed an act, which was approved on the 22d following, entitled "An act to enable the Secretary of the Treasury to gather authentic information in regard to the condition of the fur-seal herd of Alaska, and for other purposes," etc.

II. In obedience to the order of this act the Secretary appointed and instructed a special agent charged with that duty; his report was rendered to the Secretary November 16 following, and the Secretary, in June, 1875, published it as the accepted and fully established authority on all questions regarding the fur-seal herd and the conduct of the public business on the seal islands of Alaska. This official publication is entitled "A Report Upon the Condition of Affairs in the Territory of Alaska: November 16, 1874. 8vo. pp. 277. Washington. Government Printing Office. 1875. By Henry W. Elliott, special agent Treasury Department."

This was printed, and bound in cloth boards, and distributed by the department to all of its customs agents on the Pacific coast and in Alaska, on the seal islands, and very generally to the customs agents of the department in Washington, D. C., New England, New York, and Baltimore.



III. On page 150 of this publication is the following table of the measurements and weights of fur seals, one, two, three, four, five, and six years old, and of their skins when removed from their bodies:

*Table showing the weight, size, and growth of the fur seal (Callorhinus ursinus), from the pup to the adult, male and female.*

Age.	Length.	Girth.	Gross weight of body.	Weight of skin.	Remarks.
	<i>Inches.</i>	<i>Inches.</i>	<i>Pounds.</i>	<i>Pounds.</i>	
1 week.....	12-14	10-10½	6-7½	1½	A male and female, being the only ones of the class handled, June 20, 1873.
6 months.....	24	25	39	3	A mean of 10 examples, males and females, alike in size, Nov. 28, 1872.
1 year.....	38	25	39	4½	A mean of 6 examples, males and females, alike in size, July 14, 1873.
2 years.....	45	30	58	5½	A mean of 30 examples, all males, July 24, 1873.
3 years.....	52	36	87	7	A mean of 32 examples, all males, July 24, 1873.
4 years.....	58	42	135	12	A mean of 10 examples, all males, July 24, 1873.
5 years.....	65	52	200	16	A mean of 5 examples, all males, July 24, 1873.
6 years.....	72	64	280	25	A mean of 3 examples, all males, July 24, 1873.
8 to 20 years.....	75-80	70-75	400-500	45-50	An estimate only, calculating on their weight when fat, and early in the season.

On May 31, 1911, Mr. Henry W. Elliott made the following sworn statement to the House Committee on Expenditures in the Department of Commerce and Labor (Hearing No. 1, pp. 12, 13, House Com. Exp. Dept. Com. & Labor), to wit (Secretary Nagel was present):

Mr. ELLIOTT. I want the committee to understand the part which was taken by the lessees in 1872, with the Treasury agents, of whom I was one, in fixing an official standard whereby we could recognize every seal officially reported to the Treasury Department as it was sold in London, because the London classifications were different from ours as to phraseology.

The London people knew nothing and still know nothing about the age of seals, and they cared nothing about it. They were interested in the size and the quality. They ascertained and formed their idea of the skin's value primarily by its measurement, and, secondly, by its weight. The weight would vary. Sometimes more salt and blubber are used, and sometimes less. But the measurements were reasonably steady and constant. They measure their sealskins. We weighed ours on the islands. To reconcile those differences, it became very important in 1872 to know exactly what we were doing on the islands, so that we would understand exactly what they were doing in London when they sold them. I want the committee to fix this in their minds, because the whole thing turns on this proposition. I said to the superintendent, "Why do you kill all those big seals? Do they ask you to kill all the big seals and let all these smaller seals go? Why don't you take them all?" He said, "They do not want them. They want those large seals. They call them 'mid-dlings' and 'smalls,' etc." Then I said, "Can we not have some arrangement made whereby we can avoid this culling of the herd? Don't you see, Dr. McIntyre, in a short time, if this is kept up, that no good male seal will ever get past your firing line to go onto the breeding rookeries?" He said, "Oh, yes, Brother Elliott, but just look at them out there—millions of them. You do not need to worry about that."

Well, I admitted that there was no need to worry then, but I said to my associates: "Gentlemen, we have got to have some understanding when we officially report to our Government what the grades of these seals are which the lessees are killing, so we can trace the record of their work from the islands to London and back again. Let us get together now and form a complete agreement as to what constitutes the skin of a 'yearling' seal, the skin of a '2-year-old,' and a '3-year-old,' and a '4-year-old,' a '5-year-old,' and so on." We worked over that thing through the whole season of 1872. That was something that these men took hold of with a great deal of pleasure. We renewed this discussion, comparison, and study on the skin weights, ages, etc., of the seals in 1873. Mr. McIntyre went to London and got the weights and measurements of a set of skins, which he took over as samples, of 1, 2, 3, 4, and 5 year olds. He brought them back to us with the stamp on them as "small pups," and so on. So there was no doubt of what we were doing. Officially, we had no



business with the sale or nomenclature of the skins in London. So, therefore, we eliminated that from our report, and we spoke of the settled standard on the islands; that they killed "prime," or "short" skins or "7-pound" or "6-pound" skins, as the case might be. We never alluded to them as being "middlings" or "small." We prepared a table, which you will find on page 81 of Special Bulletin No. 176 of the United States Fish Commission. That is the official publication which was agreed upon by the four Treasury agents with whom I was associated, the seven agents of the lessees (who were very much interested, indeed, in what we agreed upon), and a special commissioner of the United States, Lieut. Commander Washburn Maynard, United States Navy, who was with me in 1874. In that table you will find that a "yearling" seal weighs  $4\frac{1}{2}$  pounds.

Mr. TOWNSEND. You mean the pelt or hide?

Mr. ELLIOTT. Yes; with a small amount of blubber which is attached, varying all the way from a quarter of a pound to a pound, as the agent orders it "loaded."

In 1882 the elaborated and final notes of Mr. Elliott's work of 1874, published by the Department of the Treasury in 1875, were again republished by order of the Government in Volume VIII, Tenth Census, United States of America, and in Special Bulletin No. 176. The original table, as above, of 1874-75 publication is on page 46. Then on page 81 appears the elaboration of those grades of fur which belong to the 1, 2, 3, 4, 5, and 6 year old skins, as follows, to wit:

GRADATION OF THE FUR OF *CALLORHINUS URSINUS*.

The gradation of the fur of *Callorhinus* may, perhaps, be best presented in the following manner:

One-year-old male, well grown, at July 1 of every season: Fur fully developed as to uniform length and thickness and evenness of distribution; it is lighter in color and softer in texture than hereafter during the life of the animal; average weight of skin as removed by the sealers from the carcass,  $4\frac{1}{2}$  pounds.

Two-year-old male, well grown, at June 1 of every season: Fur fully developed as to even length and thickness and uniformity of distribution; it has now attained the darker buff and fawn color, sometimes almost brown, which it retains throughout the rest of the life of the animal; it is slightly and perceptibly firmer and stiffer than it was last year, not being at all "fluffy" as in the yearling dress now; average weight of skin as taken from the body,  $5\frac{1}{2}$  pounds.

Three-year-old male, well grown, at June 1 of every season: Fur fully developed as to even length, but a shade longer over the shoulders, where the incipient "wig" is forming; otherwise perfectly uniform in thickness and even distribution; this is the very best grade of pelt which the seal affords during its life; average weight of skin, as taken from the body, 7 pounds.

Four-year-old male, well grown, at June 1 of every season: Fur fully developed as to even length, except a decided advance in length and perceptible stiffness over the shoulders, in the "wig"; otherwise perfectly uniform in thickness and even distribution; this grade is almost as safe to take and as good as in the 3-year-old; average weight of skin, as removed, 12 pounds.

Five-year-old male, well grown, at May to June 1 of every season: Fur fully developed, but much longer and decidedly coarser in the "wig" region; otherwise uniform in thickness and distribution; the coarseness of the fur over the shoulders and disproportionate length thereon destroys that uniformity necessary for rating A1 in the market; in fact, it does not pay to take this skin; average weight, 16 pounds.

Six-year-old male, well grown, from May to June 1 of every season: Fur fully developed, still longer and stiffer in the "wig" region, with a slightly thinner distribution over the post-dorsal region, and shorter; this skin is never taken—it is profitless; average weight, 25 pounds.

Seven-year-old and upward male, from May to June 1 of every season: Fur fully developed, but very unevenly distributed, being relatively scant and short over the posterior dorsal region, while it is twice as long and very coarse in the covering to the shoulders especially and the neck and chest; skins are valueless to the fur trade; weight, 45 to 60 pounds.

Then follows, on page 168, same publication, the following recapitulation of the above-cited growth and weights of fur seals.

*Table showing the relative growth, weight, etc., of the fur seals.*

[Compiled from the field notes of the author, made upon the killing grounds of St. George and St. Paul.]

Growth of fair average example.	1 day old.	6 months old.	1 year old.	2 years old.	3 years old.
Length: <sup>1</sup>					
Callorhinus ursinus (male).....inches..	12-13	24	38	45	52
Callorhinus ursinus (female).....do....	12-13	24	37	42½	48
Girth immediately behind fore-flippers: <sup>3</sup>					
Callorhinus ursinus (male).....do....	9-10½	25	25	30	36
Callorhinus ursinus (female).....do....	9-10	25	25	30	34
Weight (avoirdupois): <sup>4</sup>					
Callorhinus ursinus (male).....pounds..	5- 7½	39	40	58	87
Callorhinus ursinus (female).....do....	5- 7	39	39	56	60

Growth of fair average example.	4 years old.	5 years old.	6 years old.	7 years old.	8 years old.
Length: <sup>1</sup>					
Callorhinus ursinus (male).....inches..	58	65	72	75-80	( <sup>2</sup> )
Callorhinus ursinus (female).....do....	50	( <sup>2</sup> )	-----	-----	-----
Girth immediately behind fore-flippers: <sup>3</sup>					
Callorhinus ursinus (male).....do....	42	52	64	70-80	80-84
Callorhinus ursinus (female).....do....	36	37	( <sup>2</sup> )	-----	-----
Weight (avoirdupois): <sup>4</sup>					
Callorhinus ursinus (male).....pounds..	135	200	280-350	400-500	500-600
Callorhinus ursinus (female).....do....	62	75	( <sup>2</sup> )	-----	-----

<sup>1</sup> Direct from tip of nose to root of tail.<sup>2</sup> Ceases.<sup>3</sup> Eight year old citation an estimate only.<sup>4</sup> Seven and 8 year estimates are not based upon actual weights; an opinion merely.

NOTE.—All fur seals, from yearlings to puberty, are termed “bachelors,” or “holluschickie,” and all male fur seals from the age of 5 years on are termed (“virile”) bulls, or “seacatchie.” All female fur seals from 1 year and upward are termed “cows,” or “matkamie” (“mothers”). All the young under yearlings are termed “pups,” or “kotiche” (“little cats”).

Since this publication by the Government of the above tables of fur seal skin weights in 1875 and 1882, there has been no other attempt made to do so. There has been no witness before the House committee who has been able to show that an error of any kind is published in those tables.

The Hitchcock rules of May 1, 1904, as well as the Carlisle rules of May 14, 1896, were based upon those records of the weights of fur-seal skins taken from seals 1, 2, 3, 4, and 5 years old.

The attempt made to deny the accuracy of these tables by Nagel's confederates, Bowers, Lembkey, Evermann, and Lucas, ended instantly when those men were put under oath. Bowers declared he did not know what a yearling skin weighed. Lembkey has admitted its weight was 4½ pounds. He testified as follows:

Mr. LEMBKEY. I have taken the weights on the island of all seal skins weighed there.

Mr. ELLIOTT. You have? I want to call your attention to this, and the attention of the committee. You say you have taken note of the weights?

Mr. LEMBKEY. I have testified before the committee that every skin taken on the islands except a few that inadvertently were omitted were weighed there.

Mr. ELLIOTT. What is the weight of a yearling fur seal skin?

Mr. LEMBKEY. I weighed very few yearling skins, but they would usually run up to 4 or 4½ pounds. (Hearing No. 9; p. 435, Apr. 13, 1912, H. Com. Exp. Dept. C. & L.)

No other member of the advisory board save Lembkey knew what a yearling seal skin weighed or measured, and all confessed their ignorance under oath to the committee. (See pp. 914-919; hearing No. 14, July 25, 1912, H. Com. Exp., Dept. C. & L.)

Therefore when Secretary Straus in 1906, 1907, and 1908, and Secretary Nagel were plainly and clearly advised of the fact that their agents and the seal contractors or lessees were busy in violating the regulations of the Government on the seal islands, and falsely certifying the illegal catch of yearling male and female seals into them as "the skins of male seals not under 2 years of age," it was their sworn duty to have investigated into that fraud at once.

They did not; they shirked the responsibility; first, as Mr. Straus did, and who threw it upon an advisory board of "scientists," who, in turn, shamefully failed to do their duty in the premises, and who also found that Secretary Nagel wanted them to shield those men who had been guilty of that criminal trespass upon the fur-seal herd of Alaska. Having found this spirit of Nagel, these scientists weakly and improperly allowed their names to be used by Nagel as his justification, or "high scientific" authority for continuing that fraudulent killing.

Observe the manner in which Charles Nagel uses these "scientists" as "experts" to justify his ruinous and illegal slaughter of the yearling male and female seals annually. When taxed with this crime, he says to Senator Dixon, Chairman Senate Committee on Conservation of National Resources:

The CHAIRMAN. You may proceed.

Mr. ELLIOTT. Here is something that will interest you, because politicians and lawyers have a regard for "scientists" that is really unduly exalted. Most scientists are not as wise as some people wiser than they are, seem to think they are. Here is a letter from Secretary Charles Nagel in answer to an inquiry by the Committee on Conservation of National Resources as to his authority for his work of killing fur seals on the Pribilof Islands in violation of law and rules, and who puts this killing as done squarely upon Jordan, Stejneger, Merriam, et al.:

(Copy.)

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
*Washington, January 14, 1911.*

MY DEAR SENATOR: I have your communication of the 12th instant inclosing Senate bill No. 9959 to amend an act entitled "An act to protect the seal fisheries of Alaska, and for other purposes."

The essential purpose of this bill I take to be a suspension of seal killing for a period of five years from and after the 1st day of May, 1911. Since the hearing before your committee last year I have had some occasion to consider this question with the result that the impressions then expressed have, if anything, been strengthened.

Under existing conditions I can not believe that the seal herds would be in any sense conserved by suspending the killing of male seals in the manner in which it is now being done. So long as pelagic sealing is continued there does not appear to me to be even room for discussion. I believe it can be demonstrated that the number of female seals killed by the pelagic sealers substantially equals the number of male seals killed by the Government. If that be true, one and perhaps the chief argument which has been advanced would seem to be without foundation.

However, if pelagic sealing were discontinued and all the female seals were absolutely protected, I still believe that it would be perfectly safe, and in a measure necessary, in so far as the conservation of the herd is concerned, to kill a certain percentage of male seals. Of course my personal judgment is without value. I am relying upon the advice of experts who have been appointed to inquire and report and who have given the department the benefit of their opinion.

I gather that a further ground has been assigned for the discontinuance of seal killing, namely, that such discontinuance would be received by foreign countries as proof of our disinterestedness, and that such a course would serve to promote the consummation of treaties to prohibit pelagic sealing. If this were so, I should, of course, advocate the discontinuance, but I have no intimation from the State Department that such a course on our part would have the slightest bearing upon pending

negotiations. I can not undertake to speak upon this phase of the question, but no doubt that information can be readily obtained from the State Department.

I am glad to say that the results of the first year's experience under the law enacted last year are now at hand. Compared with the amounts received under the contract system the showing is, I think, a very satisfactory one. At the same time I would not be understood as saying that again in the receipt of a few hundred thousand dollars ought to be conclusive in determining the Government's policy. On the contrary, I am of the opinion that the primary consideration to have in mind is one of conservation, namely, the preservation of the herds. If I could believe that the policy which the Government now pursues in any sense endangers the herds I should advocate a change. My recommendation with respect to the bill now pending is based upon the opinion that the Government is now killing only such male seals as may be regarded as surplus, and that the preservation of the herds is not in any degree affected by this policy.

If it is proposed to have a hearing upon this bill I respectfully ask that as much notice as possible be given, so that I may make sure to have present those representatives of the bureau and such members of the boards and commissions as are more especially conversant with the question.

Very sincerely, yours,

(Signed) CHARLES NAGEL.

Hon. JOSEPH M. DIXON,  
*United States Senate.*

(Hearing No. 14, pp. 914-918, July 25, 1912, H. Com. Exp. Dept. C. & L.)

What did "those representatives of the bureau and such members of the boards and commissions," when put under oath and duly examined, say?

Why, each and every one of them, save Lembkey, declared themselves totally ignorant of what the killing of a yearling seal meant; they did not know what its size or its skin weight was; they did not know what Bowers, Nagel, and Lembkey were doing.

But Lembkey knew—and the truth was extorted from this most unwilling and shifty and evasive witness under close, determined cross-examination—Nagel was killing and had been killing yearling seals, females and males alike, by thousands and tens of thousands in 1909-10; yes, until checked by the law of August 24, 1912, from further illegal and ruinous slaughter.

Further proof of the guilty knowledge of the Bureau of Fisheries and of the advisory board on fur-seal service of the real and proper weights of sealskins when correctly removed from the bodies of 1, 2, 3, 4, 5, and 6 year old seals, is given in the following letter written to the President of the United States by Dr. David Starr Jordan, chairman of said board.

LELAND STANFORD JUNIOR UNIVERSITY,  
OFFICE OF THE PRESIDENT,  
*Stanford University, Cal., January 16, 1906.*

Hon. THEODORE ROOSEVELT,  
*The White House, Washington, D. C.*

DEAR SIR: \* \* \* If the memorandum referred to by Mr. Elliott as the Hitchcock rules of 1904 be enforced, as I suppose they have been, the matter will soon regulate itself. \* \* \* I note that Mr. Elliott states with reference to the "Hitchcock rules" that "the Department of Commerce and Labor engaged to order them" at his instance. This may be true, but these rules were drawn up by myself in Mr. Hitchcock's office in 1904. They seemed to me to represent a fair conservatism, and it is gratifying to find that for once I was in agreement with Mr. Elliott in a matter involving executive procedure.

\* \* \* \* \*

Very respectfully, yours,

DAVID STARR JORDAN,  
*Former Commissioner in Charge Fur Seal Investigations.*

(Appendix A, p. 331, June 24, 1911, H. Com. Exp. Dept. C. & L.)

Here is the unqualified statement made by Dr. Jordan that he has fully agreed upon a minimum weight of "5½ pounds" for skins to be taken on the Pribilof Islands; that this order represents "a fair conservation," and he is gratified to find "that for once" he "was in agreement with Mr. Elliott" on this "matter involving executive procedure."

With that full knowledge and great satisfaction on his part, over the fact that "5½ pounds" was a minimum weight of a correctly skinned seal's pelt which could be safely and properly taken without injury to the herd, January 16, 1906, as above declared, why did this chief authority on March 9, 1906, immediately following, agree to the lowering of this minimum weight to "5 pounds" on that day? And that lowering down done by his fellow-citizen and neighbor, Victor Metcalf, Secretary of Commerce and Labor, who lived only a few miles away from Palo Alto, at Oakland, Cal.!

Why did he agree to it? And still more and worse for Dr. Jordan and Secretary Charles Nagel's agents, as well as for Nagel himself, on November 23, 1909, these men all united in a unanimous recommendation that this improper "5-pound" minimum for seal pelts be continued in a new lease for the islands to be made May 1, 1910!

The following sworn testimony proves it, to wit:

Mr. BOWERS. On November 23, 1909, there was a meeting of the advisory board with the fur-seal board and the Commissioner of Fisheries and Deputy Commissioner of Fisheries (Dr. Hugh M. Smith), at which were present also Mr. Chichester and Mr. George A. Clark. After mature deliberation these gentlemen unanimously agreed upon the following recommendations:

1. It is recommended that the agent in charge, fur-seal service, shall, under the direction of the Secretary of Commerce and Labor, have full power to limit or restrict the killing of fur seals and blue foxes on the Pribilof Islands to any extent necessary and that no specified quota be indicated in the lease.

2. It is recommended that, for the present, no fur-seal skin weighing more than 8½ pounds or less than 5 pounds shall be taken, and that not more than 95 per cent of the 3-year-old male seals be killed in any one year. (Hearing No. 2, p. 110, July 9, 1911, H. Com. Exp. Dept. C. & L.)

Here is the change of a "fair" and proper minimum weight of 5½ pounds to one of "5 pounds," improperly made, ordered so as to facilitate the "loading" of yearling 4½-pound skins into the 2-year-old class or 5½-pound skins.

In spite of all the protests made since 1906 against this trick of regulation continuing so as to permit an easier criminal trespass by the lessees upon the seal herd, yet in 1909, these men in charge who are public officials, all sworn to protect and conserve that fine public property on the seal islands of Alaska, actually combined with the lessees, on November 23, and sought to continue that public imposition in a new lease.

Charles Nagel, David Starr Jordan, George M. Bowers, George A. Clark, B. W. Evermann, W. I. Lembkey, Isaac Liebes, S. B. Elkins, and D. O. Mills all had then guilty knowledge of this trespass by them, as above cited, in the past, in the present, and for the future, when this meeting was held November 23, 1909, in the city of Washington, D. C., office of the United States Commission of Fisheries, and then adjourned to Charles Nagel's office in the Department of Commerce Building the same day.

The men who were present at this remarkable meeting and voted as a unit to renew that lease and public imposition were David Starr

Jordan, Leonhard Stejneger, Frederic A. Lucas, Edwin A. Sims, Charles H. Townsend, Barton Warren Evermann, Walter I. Lembkey, Millard C. Marsh, George M. Bowers, Hugh M. Smith, H. D. Chichester, and George A. Clark. (See the official record of that presence and vote, p. 814, Appendix A, H. Com. Exp. Dept. C. & L., June 24, 1911.)

Secretary Nagel, in his letter to Senator Dixon dated January 14, 1911, and before he issued his orders through Bowers and Lembkey to kill seals on the Pribilof Islands, 12,002 of them in June and July following, has this to say in justification of that order for this killing of 6,247 yearling seals, which followed his directions.

Remember he had the specific protest of April 26, 1909, and proof of its charge September 30, 1909, before him, against the work of his agents in 1909 and 1910—that work of killing female and male yearling seals in violation of the law, and of the regulations pledged to the Congress of the United States March 9, 1904 (the Hitchcock rules). With those protests and proof thereof in his hands, he stated to the Senate committee January 14, 1911:

Under existing conditions I can not believe that the seal herds would be in any sense conserved by suspending the killing of male seals in the manner in which it is now being done. So long as pelagic sealing is continued there does not appear to me to be even room for discussion. I believe it can be demonstrated that the number of female seals killed by the pelagic sealers substantially equals the number of male seals killed by the Government. If that the true, one and perhaps the chief argument which has been advanced would seem to be without foundation.

However, if pelagic sealing were discontinued and all the female seals were absolutely protected, I still believe that it would be perfectly safe, and in a measure necessary, in so far as the conservation of the herd is concerned, to kill a certain percentage of male seals. Of course my personal judgment is without value. I am relying upon the advice of experts who have been appointed to inquire and report, and who have given the department the benefit of their opinion.

Here he tells the committee that he believes in killing those small seals "in the manner in which it is being done."

Then he declares that while his "personal judgment is without value, I am relying upon the advice of experts who have been appointed to inquire and report, and who have given the department the benefit of their opinion."

When those "experts," Stejneger, Merriam, Townsend, Lucas, and Evermann came up before the House committee in April and May, 1912, each and every one of them declared themselves ignorant of what Nagel had done with regard to killing yearling seals. They did not know what a yearling sealskin was. (See Hearing No. 14, pp. 914-919, July 25, 1912, H. Com. Exp. Dept. C. & L.)

When Secretary Nagel in order to fortify himself against attack, called the "advisory board on fur seal service" into session at Washington, D. C., November 23, 1909, and got from that body of "experts" (Jordan, Lucas, Townsend, Evermann, Bowers, Hugh Smith, Stejneger, Clark, and Lembkey) the "unanimous recommendation" that he renew the seal lease and continue this improper killing of 95 per cent of the male life, it will be noticed that Dr. C. Hartt Merriam and Frank H. Hitchcock did not attend and join in that "unanimous" recommendation.



The reason why Dr. Merriam did not is perhaps best stated in his testimony on May 4, 1912, to the House committee. He was opposed to the killing of yearling seals under any circumstances, to wit:

Mr. McGUIRE. Then, in case anyone in the House of Representatives has used your name as a person who would be opposed to the killing on the islands they were wrong about your position?

Dr. MERRIAM. They were wrong. I have never taken any such position. I have always held the contrary. I have always stated, since the first time I went there, that conservative killing on the islands was a benefit to the herd and not an injury, but I should not allow the killing of yearlings under any circumstances, and I should not kill more than 75 per cent of the young on land at any one time. I would be sure to leave more than enough for possible contingencies. (Hearing No. 11, pp. 694-695, May 4, 1912, H. Com. Exp. Dept. C. & L.)

So it is very evident that Secretary Nagel did not take the advice of Dr. Merriam, and as for Mr. Hitchcock, his well-known opposition to this violation of the rules of the department—the Hitchcock rules of May 1, 1904, needs no further comment here.

Then why did Secretary Nagel persist in killing these yearling seals, males and females alike? Of 7,333 of them in 1910 and 6,247 of them in 1911?

Because there was nothing left that the agents could find to kill, and this continued improper killing would make the false reports of 1906, 1907, 1908, and 1909, which the lessees had written, "regular," and hide the sudden collapse in killing which would appear instantly if no yearlings were taken in 1910; also in 1911.

That is why he persisted in this criminal trespass—to prevent the sudden exposure of it by contrast between the unlawful killing of 1909 with a lawful killing in 1910; and again in 1911.

SAMPLE OF THE SCIENTIFIC "AUTHORITY" QUOTED BY SECRETARY CHARLES NAGEL, JAN. 14, 1911, AS HIS WARRANT FOR KILLING 7,733 YEARLINGS IN 1910.

The peculiar and particular "science" which those lawless lessees and their agents on the islands and in Washington had complete regard for in the persons of Dr. Jordan and his assistants, is well exhibited in Dr. Leonhard Stejneger, whose remarkably frank testimony follows.

Stejneger, strangely enough, has no knowledge of what the agents of the Bureau of Fisheries, Bowers, et al., have been doing as to illegal killing of yearling seals on the Pribilof Islands, season of 1910. And he had no official consultation with Bowers or Nagel about it, he swears.

Then, in the next breath, he declares that if the law did not prevent, he would kill yearlings. In other words, he would do exactly as Bowers and Nagel did do.

Dr. Stejneger is unfortunate in his "scientific" advice to those men when he says:

I hold that you can kill, in the months of June and July—that is the season practically when the killing is done—in the season you can kill all the males without any detriment to the herd. I will say all the usable skins, three years and less; that is my opinion, my deliberate opinion.

The CHAIRMAN. But I understood Prof. Elliott to ask you whether you advised Mr. Bowers?

Dr. STEJNEGER. I may have said that very thing.

The CHAIRMAN. Kill all the killable seals?



## 200 INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

Mr. ELLIOTT. That is, all he can find.

Dr. STEJNEGER. With the limitation if in season. I undoubtedly advised such a thing, and should advise it now.

He actually goes to the following extreme limit of license to destroy, to wit:

### INVESTIGATION OF FUR-SEAL INDUSTRY OF ALASKA.

#### COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE AND LABOR, HOUSE OF REPRESENTATIVES, *Saturday, May 4, 1912.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Messrs. Young, McGillicuddy, and McGuire.

#### STATEMENT OF LEONHARD STEJNEGER.

LEONHARD STEJNEGER, having been duly sworn, was examined, and testified as follows:<sup>1</sup>

The CHAIRMAN. Do you know whether, of your own personal knowledge, seals have been killed that were too small or too young, under the act of Congress?

Dr. STEJNEGER. I do not know, because I have not been on the island since 1897—since 1896.

If I may be allowed to make a statement, since you ask whether I had any statement to make, the law is the law, and has to be lived up to; but whether seal is killed as 1-year old or when older could not affect the seal herd to any extent and could not hurt it at all; you might just as well kill 1-year olds or 2-year olds or 3-year olds. As a matter of fact, you could not kill as large a percentage of 1-year olds as of 2 or 3 year olds. The 1-year olds would be 2-year olds the next year, and then you would kill them anyhow. The Government would realize a little less money for the smaller skins. That would be the whole result.

The CHAIRMAN. Dr. Evermann, do you or anyone else wish to ask the doctor any questions?

Dr. EVERMANN. I have no questions.

The CHAIRMAN. Mr. Elliott, do you want to ask him any questions?

Mr. ELLIOTT. I have only a few questions to ask him. Dr. Stejner, what is the length of a yearling fur seal of the Alaskan herd?

Dr. STEJNEGER. I could not tell you.

Mr. ELLIOTT. Have you ever measured one of the Alaskan herd?

Dr. STEJNEGER. No.

Mr. ELLIOTT. You do not know anything about the length of a skin of a yearling seal as taken from the body?

Dr. STEJNEGER. Of a yearling seal? I do not know; I have never seen a yearling seal killed on the American islands.

Mr. ELLIOTT. Were you in consultation with Mr. Bowers when he ordered the killing of 12,920 seals on the seal islands in 1910?

Dr. STEJNEGER. Do you mean in personal special consultation with Mr. Bowers?

Mr. ELLIOTT. Did Mr. Bowers—

Dr. STEJNEGER. Not outside of what I have said in the board.

Mr. ELLIOTT. No, no. I asked you, did Mr. Bowers advise with you?

Dr. STEJNEGER. Personally?

Mr. ELLIOTT. Not when he issued his order to kill 12,920 seals in 1910?

Dr. STEJNEGER. I do not quite understand whether it was with me personally or as a member of the board.

Mr. ELLIOTT. Well, as a member of the board, do you remember any consultation with him about issuing those orders?

Dr. STEJNEGER. No; I do not remember.

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<sup>1</sup> He makes a flat statement that if the law did not prevent, he would kill yearlings. This "scientist" has been loudly finding fault with the pelagic sealers because they kill female seals, yet he, too, would kill female seals, for half of the yearlings are females. This is "science" with a vengeance, and just the kind that Nagel, Bowers, Lembkey, and Jordan appreciate as the tools of the lessees—Mills, Elkins, and Lieber.  
H. W. E.

Mr. ELLIOTT. Then, Dr. Stejneger, I have no further questions to ask you, except this: I would like to ask about the Fur Trade Review, issue of September, 1900. On pages 456, 457, and 458 you are cited as the authority for the following [reading]:

"STEJNEGER'S 'AUTHORITY' FOR EXCESSIVE LAND KILLING.

"WASHINGTON, May 25, 1901.

"The best authorities here (Stejneger and the Treasury officials) agree that there is no necessity for a limit to the killing of the lessees on the islands for two reasons: First, because it is conceded that the welfare of the present herd requires the taking of as many killable males per annum as can be found; and, second, because \* \* \* the proposed agreement between the United States and Great Britain would leave this Government the sole proprietor of the sealing industry in the eastern half of the Pacific Ocean and Bering Sea." (Fur Trade Review, June, 1901, pp. 285-286.)

Do you still think it is the best thing to do to kill everything that can be found up there?

Dr. STEJNEGER. It depends upon the way—the exact words—in which you put it.

Mr. ELLIOTT. Here is the sentiment; is this your idea?—

"That there is no necessity to the limit of the killing of the lessees on the islands \* \* \* because it is conceded that the welfare of the present herd requires the taking of as many killable males per annum as can be found."

Dr. STEJNEGER. The point is "as can be found." If you eliminate that, I can well conceive that I had advised as stated.

Mr. ELLIOTT. I am willing. You can eliminate everything and anything you have done. I do not object. But I want to know if you gave him that impression, that he could go up and kill everything he could find and do no harm.

Dr. STEJNEGER. Not *everything* and "do no harm."

Mr. ELLIOTT. I mean "killable seals."

Dr. STEJNEGER. Killable seals?

Mr. ELLIOTT. I mean killable seals—everything he could find.

Dr. STEJNEGER. That must be within the proper season for the killing.

Mr. ELLIOTT. 1910.

Dr. STEJNEGER. You want to pin me down to—

Mr. ELLIOTT. You are a scientist, and you can not be pinned down.

The CHAIRMAN. He is referring to the statement.

Dr. STEJNEGER. I have nothing to do with that. It is hearsay of a report of something; I have nothing to do with that.

Mr. ELLIOTT. I ask you if you hold those views?

Dr. STEJNEGER. Let me state what I hold and what I don't hold, in my own words: I hold that you can kill, in the months of June and July—that is the season practically when the killing is done—in the season you can kill all the males without any detriment to the herd. I will say all the usable skins, three years and less; that is my opinion, my deliberate opinion.

The CHAIRMAN. But I understood Prof. Elliott to ask you whether you advised Mr. Bowers.

Dr. STEJNEGER. I may have said that very thing.

The CHAIRMAN. Kill all the killable seals?

Mr. ELLIOTT. That is, all he can find.

Dr. STEJNEGER. With the limitation if in season. I undoubtedly advised such a thing, and should advise it now.

The CHAIRMAN. Do you think all the killable seals should be taken for the good of the herd?

Dr. STEJNEGER. All the killable seals that you can take there at that time. The fact is that you can not take all of the killable seals.

The CHAIRMAN. It seems to me—I am only trying to clear it up so that we will not have a misunderstanding when it is over—you should state whether you think it is best for the herd to take all of the killable seals.

Dr. STEJNEGER. With that reservation, all the killable seals that you can kill within the season. I do not mean that you can—

The CHAIRMAN. That you can find?

Dr. STEJNEGER. The ones that you can catch.

Mr. ELLIOTT. That is perfectly clear; that is all I wanted.

THE SUBORNATION OF SCIENCE TO SERVE A CRIMINAL TRESPASS  
ON THE FUR-SEAL HERD OF ALASKA.

(To justify the killing of all the young male seals, the false argument was used that if they did not do so they would only grow up, go onto the breeding grounds, fight there, "and tear the cows to pieces and trample the pups to death." Dr. Stejneger was one of the scientific authorities quoted for this nonsense and fraud.)

Dr. Stejneger denies in his report of 1898, his own sworn statement made to the House committee of May 4, 1912, in re trampled pups. He does so in the most explicit language, and he is now quoted below from his finished and "elaborate report," which he handed to the chairman when he was sworn and examined. He says in it that the pups are not harmed by severe, prolonged trampling, to wit:

It is certainly significant that on Bering Island over a thousand pups are yearly driven to the killing ground, there to be released, without any visible harm coming to them worth mentioning. If these newly born seals can stand to be driven three-fourths of a mile from Kishotchnoye and to be repeatedly trampled upon by the larger ones piling up four high or more on top of them, it stands to reason that the vigorous holustiaki, or even the females as a whole, can suffer but little injury from the same cause. (The Fur-Seal Investigations, Pt. IV, 1898, p. 101, by Leonhard Stejneger.)

After having deliberately published the above as "facts" of his own observation in 1898, yet Dr. Leonhard Stejneger in 1912 denies it under oath to the House committee as follows.

Witness the following sworn proof of it, to wit:

INVESTIGATION OF FUR-SEAL INDUSTRY OF ALASKA.

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
*Saturday, May 4, 1912.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Messrs. Young, McGillicuddy, and McGuire.

STATEMENT OF LEONHARD STEJNEGER.

LEONARD STEJNEGER, having been duly sworn, was examined, and testified as follows:

Dr. STEJNEGER. In that case, I should say I first came to the Commander Islands in 1882 and stayed until the fall of 1883, remaining the winter.

Mr. MCGUIRE. Continuously?

Dr. STEJNEGER. Yes. I saw the whole business from beginning to end during two seasons. I mapped the rookeries, and I have made a very elaborate report on that. This [handing book to the chairman] gives all the data.

In 1896 I was appointed a member of the Fur-Seal Investigation Commission, of which Dr. Jordan was the chairman. We went up early in the season and I stayed on the Pribilof Islands for 10 days with the other members of the commission and went all over the rookeries at that time, and did part of the counting of the rookeries on the American islands, and then went over to the Commander Islands again and inspected the rookeries there, mapped the distribution of the seals on the rookeries then as compared to what they were in 1882, 1883, and 1895.

\* \* \* \* \*

Mr. MCGUIRE. According to your observation, now, Doctor, if those herds were left alone untouched by man, what would you regard as the principal agencies of destruction of that animal life?

\* \* \* \* \*

Dr. STEJNEGER. Fighting of the males and trampling of the pups.

Mr. McGUIRE. Then, where they were left untouched until they had accumulated large numbers of males, would there have been trampling under those conditions?

Dr. STEJNEGER. That is the greatest danger to the herd.

\* \* \* \* \*

Mr. McGUIRE. Now, your testimony with respect to the killing of the pups by the fighting of battles by the males is based upon not only your general information, that you have been able to obtain in general way, but as well upon two years' actual stay upon seal islands?

Dr. STEJNEGER. Yes, sir.

Mr. McGUIRE. And upon your actual observation?

Dr. STEJNEGER. Surveys of the rookeries.

Mr. McGUIRE. You have personally observed those conditions, have you?

Dr. STEJNEGER. Yes, sir. (Hearing No. 11, pp. 699, 700, 703.)

On May 16, 1912, a few days following the above date of Stejneger's strange testimony as to the "destruction" caused by the killing of pups by the trampling of them by fighting males, his own associate, Dr. F. A. Lucas, on the Jordan Commission, 1897-98, swears that he knows better—that he never saw a bull trample a pup to death:

The CHAIRMAN. What experience have you had as to the fur-seal industry in Alaska or as a member of the advisory board?

Dr. LUCAS. I was a member of the Fur-Seal Commission in 1896 and 1897. In 1896 I was on the islands or on the revenue cutter visiting the pelagic sealers from July 8 to September 5. In 1897 I was on the islands, on the revenue cutter visiting pelagic sealers and going to and from St. Paul and St. George from July 1 to August 17. The records of the work are here, Mr. Chairman [exhibiting books].

Mr. ELLIOTT. Now, Dr. Lucas, did you see up there a pup trampled to death by a bull?

Dr. LUCAS. No. (Hearing No. 12, May 16, 1912, pp. 706-719.)

DR. JORDAN CONDEMNNS THE KILLING OF YEARLINGS BY THE OLD LESSEES IN 1889, BUT HE PERMITS AND APPROVES THAT KILLING BY THE NEW LESSEES IN 1896-97, AND EVEN WHEN SO DONE IN VIOLATION OF LAW AND REGULATIONS.

That Dr. Jordan knew that the killing of yearlings was wrong and injurious to the life of the fur-seal herd, he gives the following proof of in his final report of February 24, 1898, to-wit: Speaking of the result of the work of killing by the lessees of 1870 during the last years of their lease, Dr. Jordan writes:

For a time these more vigorous methods had the desired effect, but the scarcity of bachelors as a result of the decreasing birth rate made it necessary finally to lower the age for killable seals, so as to include first, the 2-year-olds, and in the end many of the larger yearlings, in order to secure the requisite 100,000 skins. By these methods it happened in 1889 that practically the whole bachelor herd of 4 years and under down to the yearlings was wiped out. The result was the abnormal drop to 21,000 in the quota of 1890. \* \* \*

It is not the intention here to justify the methods of killing employed in the closing years of the Alaska Commercial Co. Such killing ought never to have been allowed. (Fur-Seal Inves. pt. 1, 1898, p. 124.)

With this full understanding of the impropriety of killing those small seals thus given to us by Dr. Jordan, as above quoted, this gentleman actually has stultified himself by that writing as above, for he has approved and licensed in 1896 and 1897 the same injurious and illegal killing. He has done so in the following report, dated November 1, 1897, to the Secretary of the Treasury, to wit:

Last year the hauling grounds of the Pribilof Islands yielded 30,000 killable seals; during the present season a quota of only 20,890 could be taken. To get these it was necessary to drive more frequently and cull the animals more closely than has been

done since 1889. The killing season was closed on July 27, 1896. This year it was extended on St. Paul to August 7, and on St. George to August 11. The quota to be taken was left to our discretion, and every opportunity was given to the lessees to take the full product of the hauling grounds. Notwithstanding all their efforts, the quota of 1897 shows a decrease of 30 per cent in the class of killable seals, and when we take into account the increased number of drives, and the extension of the times of driving, the difference between the two seasons is even greater. (Fur Seal Investigations, Preliminary Report of 1897, Treas. Doc. No. 1994, p. 18, Nov. 1, 1897.)

Again, Dr. Jordan knew what yearlings were taken for skins, for he described that taking in 1889 as follows, when reviewing the tables of killing made by the lessees in 1889 as compared with that killing by them in 1890. Dr. Jordan says:

The contrast here visible between 1889 and 1890 is by no means a measure of corresponding decrease in the breeding herd. The fact is that the fictitious quota of 1889 was made up largely of yearlings which belonged properly to the quota of 1891. (Fur Seal Inves., 1898, pt. 1, p. 202.)

When Dr. Jordan certified the catch of 1896 (30,000) to the Secretary of the Treasury on November 7, 1896, as being made up of 3 and 2 year olds, and did not tell the truth that over 8,000 of these 30,000 skins taken by the lessees were yearlings, he knew better. (Treas. Doc. No. 1913, p. 21.)

He knew better because the lessees did not take any smaller skins in 1896 than they did in 1899. They took the yearlings or "small pups" and "Ex. sm. pups" in 1889, just as Jordan says they did. They took the same "Small pups" and "Ex. sm. pups" in 1896—8,000 of them—and Jordan denies the fact; he denies it by ignoring it, and asserting that "22,000 of these" (30,000) were 3-year-olds, when in truth not quite 7,500 of them were.

The London sales records, which proves the truth of Jordan's statement, that the lessees killed yearlings in 1889, also proves the untruth of Jordan's statement that the lessees did not kill yearlings in 1896. They convict Dr. Jordan of deceit in the matter and of falsifying the record of that killing in 1896 and 1897.

DR. JORDAN ATTEMPTS TO DENY THE OFFICIAL RECORDS OF THE EARLY ARRIVAL OF THE YEARLING SEALS ON THE HAULING GROUNDS AND THEIR APPEARANCE ON THE KILLING GROUNDS: HE IS FLATLY CONTRADICTED BY RECORDS OF THE SAME.

In his final report of February 24, 1898, Dr. Jordan says:

From the killing during the present season (1896), 15,000 animals too small to kill were turned back. As in the case of the young bulls, some of these, perhaps many, were driven and redriven, several drives being made from each hauling ground during the season. The actual number represented by this total of rejected animals can not be exactly determined. From this it would seem necessary to suppose that by no means all the younger seals appear on the hauling grounds during the killing season. In fact, the records of the drives show that it is only after the middle of July that the yearlings begin to arrive in numbers, and by the time the killing season is over the great majority of the killable seals are secured, leaving the population of the hauling grounds almost exclusively yearlings and 2-year-olds. (Fur Seal Inves. pt. 1, 1898, rept. Feb. 24, p. 99.)

With the following official "Records of the drives" staring Dr. Jordan in the face, it seems fairly incredible that he should have written so much untruth as above concerning them in re yearlings.

WEDNESDAY, JUNE 18, 1890.

Made a drive from Tolstoi and Middle Hill; killed 274; turned away 19 half-grown bulls. As many *yearlings* as choice seals killed, and half as many 2-year-olds as *yearlings* were allowed to return to the sea. This is a fair average of the work so far this season. (Official Journal Chief Special Agent Chas. I. Goff, in charge of St. Paul Island, p. 239.)

MONDAY, JUNE 23, 1890.

The N. A. C. Co. made a drive from Tolstoi and Middle Hill, killing 521 seals. Seventy-five per cent of the seals driven to the village were turned back into the sea; 10 per cent of these were 2-year-olds; balance *yearlings*. (Official Journal Chief Special Agent Chas. I. Goff, in charge of St. Paul Island, p. 231.)

TUESDAY, June 24, 1890.

N. A. C. Co. made a drive from Reef and Zotoi and killed 426 seals; about 65 per cent of this drive was turned back into the sea, about all of these were *yearlings*. (Official Journal Chief Special Agent Chas. I. Goff, in charge of St. Paul Island, p. 231.)

THURSDAY, June 26, 1890.

The N. A. C. Co. made a drive of seals Southwest Bay and killed 117 seals; about 62 per cent of those driven were turned back into the sea; of those turned away one-half were *yearlings*, one-fourth 2-year-olds, and one-fourth old bulls. (Official Journal Chief Special Agent Chas. J. Goff, in charge of St. Pauls Island, p. 231.)

Then independent of the above official record, which not only declares that the *yearlings* are out in full force as early as June 18, on the killing grounds, driven up with the others, we have the following sworn proof of the unwarranted denial of Dr. Jordan *in re* early appearance of the *yearlings*, to wit:

Mr. ELLIOTT. Now, as to *yearlings* on the islands. Here is an official report detailed day after day during the killing season of 1890, put on the files of the Treasury Department, and printed, and until the 1st of December, 1907, not a line had been issued from the Government officialism in charge of this business—not a line that says a single record of this work as to the killing on those islands in 1890 is improperly stated here. The only objection they make to it was that I officially assumed that driving these young and old seals hurt them. They claimed it did not hurt them, but that it did them good. We will leave that open. But the killing has hurt them; they admit that now officially. Let me read, on page 170:

"Monday, June 23, 1890. \* \* \* Eleven pods of 561 animals driven up; 110 of them killed or one-fifth taken, or 80 per cent turned away. All under 7-pound skins, with the exception of a few wigged 4-year-olds and a dozen or two old bulls. This gives a fair average of the whole drive to-day, some 2,500 animals, since 518 only were taken.

"\* \* \* Those turned away (nearly 2,000) were 95 per cent at least 'long' and 'short' *yearlings*."

That has never been disputed to this hour.

"June 21, 1890. \* \* \* At 7 a. m. I went down to the killing grounds and followed the podding and clubbing of the entire drive brought up from the Reef crest and Zoltoi Bluffs this morning. The Zoltoi pod arrived on the ground long before the Reef pod—two hours sooner. It was made up largely of polseecatchie and *yearlings*.

"\* \* \* Seventy-five per cent of this drive was rejected. Every 3 and smooth 4 year old taken and every long 2-year-old. Nothing under or over that grade.

"The seals released this morning were *exclusively yearlings*, 'short' 2-year-olds, and the 5 and 6 year old half bulls or polseecatchie. No 'long' 2-year-old escaped, and so, therefore, many 5½ and 6 pound skins will appear in this catch.

"In the afternoon I took a survey of Lukannon Bay and its hauling grounds. \* \* \* Thence over to Tolstoi sand dunes, where I saw about 600 or 700 *yearlings*, conspicuous by their white bellies.

\* \* \* \* \*

"June 26, 1890 (on p. 174). I walked over to the Zapadnie killing grounds this morning, arriving there about 9 o'clock. The drivers had collected a squad of about 340 holluschickie, which were clubbed thus—total 344 number driven, and number taken, 97, or about 72 per cent unfit to take, being made up *chiefly of yearlings*, 'short' 2-year-olds, and 'wigged' 4-year-olds, and 5-year up to 7-year old bulls."



I knew what I was talking about, and so did the lessees. They rejected the yearlings and the short 2-year-olds.

"June 27, 1890. The drive to-day from Middle Hill, Tolstoi, and Bobrovia Yama (of Tolstoi near the point) panned out as follows: Total number driven 1,652; total number taken 394.

"Deduct 24 overcounted, leaves the whole number of animals driven 1,628; number taken 394, or 78 per cent rejected. Nothing taken under a 6-pound or 'long' 2-year-old skin."

Nothing was taken that day.

"Sixteen of the 394 skins taken in the killing grounds, as above cited, were rejected, in the salt house by the company's manager because they were too small. They were normal 2-year-olds, 5½-pound skins. Perhaps they will be glad to get them later."

They were.

"June 28, 1890. The superb sealing weather still continues. The natives are bringing up a small squad from the Reef as I write (5 p. m.).

"The following are field notes of the podding and clubbing of drive from Reef and Zoltoi Bluffs, June 28, 1890:

"Whole number of animals driven, 1,417; number taken, 203, or 85 per cent turned out. \* \* \* Everything taken in this day's killing above a normal 2-year-old \* \* \* i. e., all 6-pound skins and upward.

"June 30, 1890. The following are field notes of the podding and clubbing of drive from Middle Hill, English Bay, Tolstoi, Lukannon, and Ketavie:

"Whole number of animals driven, 1,262; number taken, 203, or 84½ per cent rejected. \* \* \* Everything taken that was above 5½-pound skin, under those of the 5-year-olds and 'wigged' 4-year-olds. \* \* \* How many of *those yearlings* and 'short' 2-year-olds that were released this morning will again be driven before this season ends? Nearly all of them.

\* \* \* \* \*

"July 1, 1890. The following are field notes of the podding and clubbing of drive made from every section of the reef, everything in back of Zoltoi Bluffs, Garbotch, and the entire circuit of the reef:

"Whole number of animals driven, 1,998; number taken, 245, or 89 per cent rejected. Last drive from this place, June 28, when 85 per cent were rejected. Everything taken over a 5-pound skin and under the 'wigged' 4 and 5 year old pelts. *Ninety per cent of the seals rejected to-day were yearlings.*"

There are no yearlings on the islands now, we are told by these gentlemen. They have disappeared; they have gone to sea. There is no loss from pelagic sealing there now.

"This is the largest number yet driven in any one drive from this place thus far this season, and the catch among the smallest. The yearlings driven before, plus the new arrivals, are making the ratio."

The yearlings keep coming up and increasing this aggregate drive.

"July 2, 1890. The following are field notes of the podding and clubbing of a drive made from every section of Polavina and Stony Point:

"Whole number of animals driven, 1,929; number taken, 230, or 88½ per cent rejected. There were also 10 "road" and "smothered" skins, which made a total of 240 taken; last drive from this place, June 25, when 800 animals were driven and 263 taken, or 65 per cent rejected.

"This drive to-day covers a whole week's interval since the last drive from Polavina, and it shows that as the season advances the numbers driven rapidly increase, while the proportionate catch diminishes. In other words, the new arrivals, plus those redriven, will continue to steadily swell the gross aggregate driven day by day from now on, and not proportionately increase the catch. Rather, I believe that the catch will markedly diminish.

"To-day every good 2-year-old, every 3, and every "smooth" 4-year-old was knocked down out of the 1,929 animals; every one. Where, at this rate of killing, is the new blood left for the rookeries now so desperately needed there? Hardly a young bull left, between the effects of driving and the deadly club, save a few hundred of those demoralized and worthless half bulls, which I make note of as they come up in every drive; and these, the natives truly declare, will never go upon the rookeries.

"Thus far this season every seal that is eligible in weight, from a "long" 2-year-old male up to 5-year-olds, has been ruthlessly slain within a few days after its appearance on these desolate hauling grounds of St. Paul Island. They were as ruthlessly knocked down last year, and to-day the yearlings and everything above to 5-year-olds would be knocked down did not the new \$10.22 tax per sealskin save their lives."

They were afraid to take these yearlings, and they gave orders to let them alone. They said, "They will not pay our taxes and our expenses."



Mr. McGUIRE. The point you are developing now is, as I understand it, that the *yearlings* at that time were on the islands at this certain season of the year mentioned by you?

Mr. ELLIOTT. *Yes; admittedly.*

Mr. McGUIRE. The claim by certain persons now is that seals of this age and type are not at that season found on the islands. Is that what you are developing now?

Mr. ELLIOTT. I am claiming that that is an untruthful and improper report to make; that they are not there means that they have been killed and certified falsely into the books of the Government as 2-year-olds. Do not make any mistake about that.

As above quoted from Dr. Jordan's studied, elaborated, and final report of February 24, 1898, he gives as proof of the fact that he knew them—he knew the yearling seals as a class, and knew them well.

So knowing them, he could not have failed to witness the killing of yearlings in 1896–1897, thousands and thousands of them, in open, flagrant violation of the "Carlisle Rules" of May 14, 1896, which were duly posted on the Pribilof Islands, June 17, 1896.

That he knew the significance and the evil effect of killing yearlings in 1898 he also gives us full proof of in his final report of February 24, 1898. In criticizing the close and improper killing by the lessees during the season of 1889 he says, on page 103:

Finally it was necessary successively to lower the grade of killable skins until, in 1889, to get the quota of 100,000 nearly the entire bachelor herd down to and including most of the yearlings was taken. In 1890 the collapse came, when only 21,000 skins could be secured.

With this full knowledge possessed by Dr. Jordan of what a yearling seal was, and what it signified to kill down to that lowest grade, he actually falsifies the record of killing 30,000 seals in 1896, as done under his eyes. In his report of the killing on the Pribilof Islands during June and July, 1896, he denies that any yearling seals were killed, and repeats that untruth for the season's work of 1897, on the same grounds, in the following statements, to wit:

In 1896, 30,000 killable males were taken, 22,000 of these to the best of our information, being 3-year-olds.

Think for a moment of this studied untruth—the same London sales records which gave Dr. Jordan his warrant for truthfully stating the fact that yearlings were taken in 1889, as above cited—these sales records of this 1896 catch of 30,000 declare the fact that not quite 7,500 3-year-olds were taken, and, moreover, they tell him that some 8,000 or 9,000 yearlings were also taken.

In 1897 the lessees took 20,890 skins—all that they could get—and Jordan again stands over that work on the islands. Again he falsifies the record of this killing as follows:

The quota of the year is made up practically of 3-year-old bachelors; some 2-year-olds are killed and some 4-year-olds, but the majority of those taken are 3-year-olds.

Not quite 7,000 of that 20,890 skins taken in 1897 were 3-year-olds. More than 8,000 yearlings were again taken in its total, and all of those little 30–34 inch yearling skins actually "loaded" with blubber in 1896 and 1897, so that they weighed as much as 3-year-old skins or 2-year-old skins. This fraud of "loading" those little skins was to cover the Carlisle limit of a minimum taken "not less than 6 pounds weight."

This loading of those small skins in 1896–97, when Dr. Jordan was on the islands (and continued ever since), and so done then, first, to evade the Carlisle rules of May 14, 1896, could not have

escaped Dr. Jordan's notice unless he was physically blind. He was not, but he actually shut his eyes to the illegal and injurious work.

On July 24, 1913, the native sealers who took part in this "loading" of those small yearling skins in 1896-97, testified to the agents of the House Committee on Expenditures in the Department of Commerce that this season of 1896 was the first one in which they ever received orders to take yearling seals, and that they have been taking them ever since and "loading" them also. (See pp. 93-100, Rept. Agents House Committee on Expenditures, Dept. of Com., Aug. 31, 1913.)

Dr. Jordan, however, was not content with merely ignoring the fact that in 1896 he had permitted the lessees to kill more than 8,000 yearling seals in open flagrant violation of the Carlisle rules of May 14, 1896; he went further. On page 206 of his Final Report Fur Seal Investigations, part 1, 1898, he has this studied statement of untruth made in review of the figures which show the daily killing made during June and July, 1896, and also those of 1897, to wit:

In this year (1896) more normal driving was permitted, but the increased quota is not wholly due to this fact \* \* \*.

The quota of 1897 was left indefinite under the direction of the commission, and the driving was planned with a view of making the quota represent the full product of the hauling grounds. For the same reason the killing was continued into August (to Aug. 11).

This is the language which Dr. Jordan uses to conceal the fact that in 1896 the lessees were permitted to illegally take 8,000 small yearling seals, and in 1897 over 7,000 of them in turn, to get the "full product of the hauling grounds:"

Why did Dr. Jordan and his associates in 1896 and 1897 fail to publish a table showing the sizes and weights of fur-seal skins as they were taken from the 1, 2, 3, 4, and 5 year old seals?

Because if they had, they would have been obliged to publish the fact that the lessees took 8,000 yearling sealskins in 1896, under their eyes, and in violation of the law and regulations published May 14, 1896. And again, that over 7,000 yearling skins were taken by the lessees under their eyes, and with their permission in 1897, in violation of those Carlisle rules of 1896.

The lack of attention given to the subject of the sizes and weights of fur-seal skins which is so marked in the preliminary reports of the Jordan-Thompson fur-seal commission's work, and its final report, 1898, is due to the fact that the lessees were killing yearling seals on St. Paul Island in 1896, when Jordan was there in full control of the business.

These seal-island lessees (D. O. Mills, United States Senator Elkins, and the Liebes, Isaac and Hermann), could not get their quota allowed them of 30,000 2, 3, and 4 year old seals, they unlawfully took, therefore, 8,000 yearling seals to fill up the number. They took them in spite of the regulations ordered May 14, 1896, by Secretary Carlisle prohibiting that work.

If Jordan and his associates had measured and weighed those skins as taken, they would have made a record (which they desired to conceal, and did then conceal), very plain, and self-evident of this illegal slaughter by these lessees.

That is the reason why the authentic and official tables of 1873-74, which show the size and weight of yearling seals and their skins, were not alluded to or questioned by Dr. Jordan. He found them accurate, and beyond his power to question. He then ignored the whole

subject in his labored, elaborated final report of 1898. (Fur Seal Investigations, pts. 1, 2, 3, 4, 1898.)

But when this final report was prepared, Dr. Lucas was obliged to present at least the suggestion of a table which should show the size of the fur seal as it grows from birth to full maturity. (See p. 7, pt. 3, Fur Seal Investigations, 1898.)

Instead of taking up a dozen or twenty examples of a yearling, he takes but one; he measures it, and it conforms exactly to the average which Elliott has published nearly 26 years earlier, it so happens.

But when he takes a single 2 year old, he makes it to be only 42 inches long, instead of that average of 45 inches which Elliott gets from the measurements of 30 specimens. (See Elliott's Mono. Seal Islands, p. 46, 1873-74.)

On the other hand, Dr. Lucas's associate on this Jordan commission at the same time (1896), George A. Clark, measures also a single 2-year-old, and publishes its length as 48 inches. (See p. 510, pt. 2, 1898, Fur Seal Investigations.)

That difference naturally exists between a "short" or small 2-year-old and a "long" or large specimen of the same age. Lucas measures one and Clark the other. But Elliott, in 1872-73, taking note of those extremes, gathered up 30 specimens and took the average length, and publishes it as 45 inches.

Elliott found that large yearlings were 41 inches long and small ones only 29 to 30. He took an average of 20 or 30 specimens and placed the correct figure of 38 inches for a yearling's length in his table of 1873.

In the same mistaken manner Lucas took the measurements of but a single 3-year-old seal's body. He made it 49 inches long. It was a "short" or small specimen. But Clark, on the other hand, gets a "long" or large 3-year-old, and he makes it 54 inches long. Elliott, however, took an average of 20 or 30 specimens, and he finds the real average size to be 52 inches in length, which makes a stable conclusion for a 3-year-old.

Lucas and Clark fail in their work of getting result of sense or value by not going out into the field and getting the measurements of 30 or 40 specimens of these 1, 2, 3, and 4 year-old seals' bodies. Elliott made no such blunder which both Lucas and Clark admit they have done in the following statements:

I agree with Mr. Lucas on looking at these bachelors that it is necessary to readjust our ideas \* \* \* what we have called "4-year-olds" are probably "5-year-olds."—G. A. Clark, p. 436, pt. 2.

I see that my tendency has been to underestimate the age of the smaller seals \* \* \* (F. A. Lucas, p. 441, pt. 2.)

#### THE INITIAL FRAUD ON THE SEAL ISLANDS, AS PERPETRATED BY THE LESSEES AND OTHERS IN 1890-91.

There is an official record of the killing of seals on St. Pauls Island by which the lessees were enabled illegally to take 3,856 skins in violation of the orders of the President of the United States—so enabled by the subornation of the Government agents in charge of the Seal Islands. The limit of 6,000 skins was posted on St. Pauls Island June 10, 1891, and 1,500 skins on St. George was posted June 13, 1891. (Rept. Agts. H. Com. Exp. Dept. Commerce, pp. 128-132, Aug. 31, 1913.)

When the limit of 6,000 skins for the entire season of 1891, on St. Paul was posted June 10, 1891, just 810 skins had been taken, and by June 18, 1891, at the close of the killing on the reef that day, 6,622 skins had been taken, or an excess then of 622 skins for the whole season.

The killing, however, in spite of this peremptory order of the President prohibiting it after 6,000 seals had been taken, was continued in open defiance of that order by the lessees up to August 10, 1891, when they had secured 3,856 skins above the lawful limit on St. Paul and 961 skins above their lawful limit on St. George Island. Then they resumed this unlawful excess killing on November 2, 1891, and continued it to December 5, 1891, taking 800 skins in addition to the excess above stated.

This record of that unlawful killing and criminal trespass declares that these lessees, in collusion with the Government agents in charge, W. H. Williams and Joseph Stanley-Brown, took 4,817 prime seal-skins during the season of 1891 in open flagrant violation of the law and their instructions.

The motive for that particular criminal trespass was to profit by the sale of those excess skins at \$60 per skin, or \$289,020, which was a net guilty profit realized by said lessees.

The British commissioners, when they landed July 29, 1891, on St. Pauls Island and found the lessees busy killing seals in violation of the proclamation of President Harrison and the agreement of June 14 with the Government of Great Britain, put a stop to it, and refused to be satisfied with the false denial of it by Charles Foster's men, Brown and Williams. They dispatched a note to Lord Salisbury covering the same, which was speedily made public, and caused infinite humiliation to the American case in the controversy.

These British commissioners at first determined to return in 1892 and get the proof of the fact that this killing was done in violation of the law. This hint so disturbed the official tools of the lessees in the Treasury Department that the following "directions" were given to Chief Special Agent Williams by Charles Foster. The object of writing these "directions" was to enable Williams to do all he could to prevent any light being thrown on the real order of killing as it was done. (See entry as below, on p. 455 of the official journal, Government agent's office, St. Paul Island, under date of "*May 27, 1892.*")

UNITED STATES TREASURY DEPARTMENT,  
*Washington, D. C., May 2, 1892.*

Maj. W. H. WILLIAMS.

*United States Treasury Agent.*

SIR: Your attention is called to the unfortunate representations made to Lord Salisbury last year by the British commissioners.

Their statements concerning the alleged violation of the *modus vivendi* in the matter of seal killing were based upon their misinterpretation of the terms of the *modus* and their misunderstanding of the facts. Especial effort should be made, therefore, to present with exceeding clearness any facts that you may deem necessary or proper to communicate to any British official visiting either island. All affidavits taken by such agents from the natives or other persons on the islands must be taken in the presence of a Government officer, and the foreign agents must conform to such rules of conduct concerning the rookeries as are required of citizens of the United States.

CHARLES FOSTER, *Secretary.*

Williams refused to return to the islands. He knew that he had falsified the facts July 29, 1891, to these British agents, and that they would convict him of it if he attempted to deny it. So he asked Foster to transfer him to another post. He was at once transferred to London and J. Stanley Brown put in his place. This man had no scruples in the matter and no responsibility "officially" in 1891, since Williams was his chief at that time.

RECAPITULATION OF THE FRAUD PERPETRATED BY THE LESSEES IN 1891, ON THE SEAL ISLANDS, WITH THE COLLUSION OF THE UNITED STATES' AGENTS IN CHARGE OF THE SAME.

May 3. The President vetoes and cancels permit for lessees to kill seals issued by Secretary Charles Foster, April 11, 1891.

May 27. By order of the Secretary of Treasury from the President, lessees are allowed to take 7,500 "food seals" during entire season of 1891.

June 13. To-day the order of May 27, limiting the killing on the Pribilof Islands to 7,500 for the entire season is posted and served on the lessees in St. Paul village, by the United States agent in charge. The catch on St. Paul is restricted to 6,000 seals, and the catch on St. George is restricted to 1,500.

June 13. Three thousand seven hundred and thirty seals were taken by the close of this day, and left 2,270 seals only for the lessees to lawfully take during the rest of this year on St. Paul Island.

June 15. Nine hundred and forty-one seals were taken by the close of this day on St. George Island, leaving only 559 seals for the lessees to lawfully take during the rest of this year on this island.

June 18. Six thousand six hundred and fifty-one seals were taken at the close of this day on St. Paul Island, and 651 seals had been taken to-day in violation of the President's order (duly posted here June 13 last), yet, in spite of that order, the killing was continued in violation of it, as follows: June 20, 119 seals; June 25, 215 seals; June 29, 400 seals; July 8, 100 seals; July 13, 121 seals; July 15, 122 seals; July 21, 177 seals; July 27, 248 seals; August 3, 118 seals; August 5, 407 seals; August 10, 100 seals; November 2, 31 seals; November 9, 37 seals; November 14, 142 seals; November 19, 188 seals; November 21, 2 seals; November 24, 133 seals; November 25, 102 seals; November 29, 162 seals; December 5, 3 seals.

Or a total of 9,579 seals taken, 3,579 of which were taken by the lessees in open flagrant violation of the law and order of the President of the United States (dated June 15), and posted in advance on the islands June 13, 1891.

July 1. 1,548 seals were taken at the close of this day on St. George Island, being 48 seals in excess of the limit ordered by the President, duly posted here on June 15 last; yet in spite of that order, this killing of seals was continued in violation of it, as follows: July 3, 30 seals; July 6, 119 seals; July 16, 54 seals; July 20, 54 seals; July 24, 72 seals; July 25, 181 seals; August 1, 26 seals; August 6, 15 seals; August 13, 83 seals; August 17, 55 seals; September 24, 36 seals; October 23, 104 seals; October 28, 25 seals; November 23, 71 seals; November 23, 26 seals.

Or a total of 2,461 seals taken, 960 of which were taken by the lessees in open flagrant violation of the law and order of the President

of the United States (dated June 15), and posted in advance on the islands June 14, 1891.

The above certified daily entry of killing, as made on the official journals of the agents of the Government in charge of the Seal Islands of Alaska, show that the lessees with the connivance and permission of the United States Government agents whom they suborned took 12,040 seals, or 4,540 seals in excess of their right to do so, and in open flagrant violation of the law and regulations.

The daily killing records are published on page 203 of the (Report of Fur Seal Investigations, part 1, 1898) Treasury Document 2017, published by order of the Secretary of the Treasury, June, 1898. The record of the posting of the President's order restricting all killing on the islands to 7,500 seals for the entire season of 1891, as given above, is found in Report of Special Agents, House Committee on Commerce, Aug. 31, 1913, page 128.

The motive for this criminal trespass by the lessees as above related was that those 4,540 illegally taken skins brought them an average of \$60 per skin, or \$272,400, which was net gain to them. *They took nothing after the order of the President was posted except the very finest young 3 and 4 year old seals that hauled out, and they took every one of them that did haul out up to the close of this season of 1891.*

It now becomes in order to show by an exhibit taken from the official records, the sworn testimony, and authentic letters, what relation—

*Charles Nagel*, as Secretary of Commerce and Labor;

*Geo. M. Bowers*, as United States Commissioner of Fisheries;

*David Starr Jordan*, as chairman Advisory Fur Seal Board;

*Walter I. Lembkey*, as chief special agent in charge of seal islands;

*Isaac Liebes*, president N. A. C. Co., lessees, and his associate lessees;

*Jos. Stanley Brown*, dual agent of the Government and lessees, had and have, to this unlawful and complete destruction of the fur-seal herd of Alaska.

To do so, briefly, clearly, and faithfully as to truth of record, I have prepared the following statement, which I submit as Exhibit III; all citations of the records and sworn testimony have been carefully verified, and will stand as made.



### EXHIBIT III.

A certified list of 120,000 yearling sealskins taken by the lessees of the Seal Islands of Alaska between 1896 and 1910, in open self-confessed violation of the law and the regulations governing their contract, said illegal work being done in combination with certain sworn agents of the Government whose duty was to prevent it.

Said agents, instead, connived with said lessees and enabled this illegal and ruinous slaughter to be made annually from 1896 to 1910.

And this illegal and ruinous slaughter and criminal trespass by the lessees<sup>1</sup> upon the fur-seal herd of Alaska was duly pointed out to Secretary Oscar Straus in detail December 19, 1906, again on May 18, 1908, again on December 7, 1908, and repeated in detail to Secretary Charles Nagel April 26, 1909, again May 9, 1910, and again May 24, 1910. All of said detailed specific charges and proof of this illegal and ruinous killing were ignored and evaded by said Straus and Nagel.

#### ANALYSIS OF THE STATUTES WHICH GOVERN THE CONDUCT OF KILLING AND TAKING FUR SEALS ON THE PRIBILOF ISLANDS, BERING SEA, ALASKA, FROM 1869 TO 1913, INCLUSIVE.

March 4, 1869. Public resolution declaring the Pribilof group of seal islands are a Government reservation.

July 1, 1870. Act ordering a lease made for 20 years of the seal islands—1870–1890. It places the entire control of the killing and taking of fur seals in the hands of the Secretary of the Treasury, only fixing a maximum limit of 100,000 seals annually and prohibiting the killing of female seals and seals less than one year old. (See Hearing No. 10, pp. 462–463.)

May 1, 1890. Lease of 1870–1890 expires; new lease for 20 years—1890–1910; no change in act of 1870 made which permits this renewal of said lease to highest bidder, and reserves complete control for the Secretary of the Treasury as to killing and taking seals. (See Hearing No. 10, pp. 466–467.)

May 14, 1896. Secretary Carlisle orders “no yearling seals or seals having skins weighing less than 6 pounds” killed. Posted on the islands June 17, 1896. (See Report of Agents of House Committee on Commerce, Aug. 31, 1913, pp. 75, 76.)

May 1, 1904. “Hitchcock rules” ordered to-day by Secretary of Commerce and Labor, who does not know of the existence of the “Carlisle rules” of 1896, and which have been ignored by all officials and the lessees since the day they were posted in 1896.

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<sup>1</sup> A conspiracy is a continuing offense, according to the United States Supreme Court. Two men who were the agents in bringing the Pennsylvania Sugar Refining Co. within the power of the Sugar Trust, which kept the refinery idle for years, sought to escape punishment for their part in a conspiracy to restrain trade and establish a monopoly by pleading the statute of limitations. That act would have run against the inception of the conspiracy, and the trial judge held that they could not be tried. But the Supreme Court holds, very rationally, that the statute does not protect them, for they continued their conspiracy in restraint of trade within the statutory period.—Philadelphia Record, December 14, 1910.



These "Hitchcock rules" prohibit the taking of "any seals under 2 years of age, and having skins weighing less than 5½ pounds." (Hearing No. 10, pp. 482, 483.)

March 9, 1906. The "Metcalf rules," ordered to-day, change the 5½-pound minimum weight of the Hitchcock rules to 5 pounds; otherwise no change is made in the order of the same. (See Hearing No. 10, p. 483.)

April 21, 1910. Act repeals leasing section of act of 1870; otherwise does not change the full control hitherto given the Secretary of Commerce and Labor to govern by regulations the seal killing on the islands, etc. (See Hearing No. 10, pp. 480-481.)

February 29, 1912. Chief Special Agent Lembkey, in charge of the seal islands, swears that the regulations of the department bind him not to kill seals "under 2 years of age" and that they are in effect, to wit:

Mr. MADDEN. If they were killed it would be a violation of law.

Mr. LEMBKEY. It would; if the regulations permitted it, however, it would be in accordance with existing law.

It should be remembered also that the law does not prohibit the killing of any male seal over 1 year or 12 months of age, although regulations of the department do prohibit the killing of anything less than 2 years old, or those seals which have returned to the islands from their second migration.

Mr. TOWNSEND. That is a regulation of the Secretary of Commerce and Labor?

Mr. LEMBKEY. Of Commerce and Labor; yes, sir. (Hearing No. 9, p. 373.)

*A list of 128,000 yearling sealskins taken on the seal islands of Alaska by the lessees thereof during the term of their lease from May 1, 1890, to May 1, 1910.*

One hundred and twenty thousand of these one hundred and twenty-eight thousand yearling seals have been taken in open, flagrant violation of the Carlisle rules of May 14, 1896, and the Hitchcock rules of May 1, 1904, which rules of the Treasury and Commerce and Labor Departments have the force of law.

These 120,000 sealskins, itemized in Elliott's list, are the skins of "small pups" and "extra small pups," as listed in the sales at London, each and every one of which has been measured there and certified to the trade there as being less than 34 inches long, and, so certified, sold upon that certification as to its size and class as a "small pup" or "extra small pup."

These measurements of the London sales classification are admitted by the Bureau of Fisheries as being absolutely accurate.

Under oath, the Bureau of Fisheries agent and man who has taken all the skins with the cooperation of the lessees on the Pribilof Islands since 1899 up to 1910—this agent admitted that a yearling sealskin of his own identification and measurement as such was 36½ inches long. (See Hearing No. 9, pp. 442, 443. Apr. 13, 1912.

• Com. Exp. Dept. of Com. and Labor.)

INVESTIGATION OF FUR-SEAL INDUSTRY OF ALASKA.

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
Tuesday, July 11, 1911.

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

The CHAIRMAN. I have some questions to ask. A great deal has been said before the committee about the illegal killing of seals on these islands, and I have therefore requested Prof. Elliott to make out a statement of what he considers a proper estimate of such illegal killing in the last 20 years of the lease. I told him to make the estimate year by year, and to submit it to the committee, and he has this statement here. I will ask you, Prof. Elliott, to take it up and discuss it with the committee, and I do this upon the theory that if the lessees were guilty of any illegal killing of seals, or were guilty of bringing this herd to partial destruction, that, under the securities that are lodged with the Government, as I understand it, they ought to make good whatever they did in the way of injury to the Government by any violation of the law, administration orders, or the provisions of the lease. I want the witness to state as an expert how many such killings of seals there may have been, and what he considers has been the injury done to the Government during the last 20 years.

Mr. ELLIOTT. Mr. Chairman, I will read the statement in detail:

MEMORANDUM, FOR HON. JOHN H. ROTHERMEL, IN RE SEAL SKINS TAKEN BY LESSEES  
IN VIOLATION OF LAW.

*Minimum numbers of yearling seals taken in violation of law by the North American Commercial Co., or lessees of the seal islands of Alaska. Figures taken from the sales catalogues of Messrs. C. M. Lampson's Sons, London, during period of lease held by the N. A. C. Co. aforesaid.*

	Total skins taken.	Year- lings.		Total skins taken.	Year- lings.
1890.....	20,310	3,823	1901.....	22,672	13,000
1891.....	13,473	<sup>1</sup> 1,200	1902.....	22,304	14,500
1892.....	7,554	(1)	1903.....	19,374	15,600
1893.....	7,492	(1)	1904.....	13,128	6,500
1894.....	16,030	1,400	1905.....	14,368	6,918
1895.....	15,002	2,200	1906.....	14,478	6,837
1896.....	30,004	13,000	1907.....	14,888	7,000
1897.....	20,762	8,000	1908.....	14,965	6,500
1898.....	18,032	4,000	1909.....	14,350	7,000
1899.....	16,804	3,500			
1900 <sup>2</sup> .....	22,473	9,500	Total.....	354,413	128,478

<sup>1</sup> Modus vivendi.    <sup>2</sup> Standard lowered this year for first time to "5-pound skins," or "yearlings."

HENRY W. ELLIOTT.

JULY 10, 1911.

Mr. CABLE. May I ask one question?

The CHAIRMAN. Certainly.

Mr. CABLE. Is it now against the law, or has it ever been against the law, to take a seal 1 year old? May I ask what is the understanding of the committee on that question? I want to get straight on it myself. Has it not always been perfectly legal to take seals a year old or more than a year old?

Mr. ELLIOTT. That is absolutely true. These seals are taken in June and July, but until the 1st of August following no one can tell what is a yearling seal.

Mr. CABLE. Then, is it your contention that this list you have read is based on seals that are killed under 1 year of age?

Mr. ELLIOTT. They must be under 1 year old. If you kill them in June or July, the benefit of the doubt belongs to them. If you kill a yearling seal on the 9th day of July, how do you know that it was born on the 9th day of July a year ago?

Mr. CABLE. I am not a seal expert.

Mr. ELLIOTT. You nor no other man could determine that.

Mr. CABLE. Do you claim that this list you have read is based upon seals that are under 1 year old?

Mr. ELLIOTT. Under 2 years old.

Mr. CABLE. Is there anything illegal in killing the year-old seals?

Mr. ELLIOTT. Not if you know it is a year old.

Mr. CABLE. What do you call a yearling seal?

Mr. ELLIOTT. A yearling seal is a yearling until it is 2 years old.

The CHAIRMAN. What is a yearling seal?

Mr. ELLIOTT. A yearling seal is one not under 1 year of age nor over 2 years of age. That is a yearling. You can not get away from that definition. A yearling is a yearling until it is 2 years old.

Mr. MCGILLICUDDY. What is your understanding as to the law on the subject?

Mr. ELLIOTT. The law does not allow the killing of a seal under 12 months of age.

Mr. TOWNSEND. Under 2 years of age, according to that ruling of 1904?

Mr. ELLIOTT. Yes, sir; I put that in the department rules in 1904 to stop those butchers.

Mr. MCGILLICUDDY. Then, it is agreed on all sides that it is legal to kill anything over 12 months old?

Mr. ELLIOTT. Yes, sir; I admit that, but you must prove it.

That this killing of seals under 2 years of age was in violation of law and the regulations is admitted under oath by the Bureau of Fisheries agent, W. I. Lembkey, who has killed all the seals under the instructions of the Treasury, Commerce and Labor Departments, and Bureau of Fisheries since 1899 to date of July 7, 1913, thus:

On page 372, Hearing No. 9, he testified as follows:

"Mr. MCGILLICUDDY. What do you call a yearling seal? Do you mean a seal that is 12 months old and no more?

"Mr. LEMBKEY. A yearling seal, in the island nomenclature, is a seal which has returned to the islands from its first migration.

"Mr. MCGILLICUDDY. It may be more than 12 months old then?

"Mr. LEMBKEY. It may be more; it may be a trifle less.

"Mr. MCGILLICUDDY. How much more than 12 months could it be?

"Mr. LEMBKEY. It could not be but a little more, because all these seals are born during a period of 3 weeks, generally speaking, from the 25th of June to the 15th of July. Now, they return to the islands in a mass about the 25th of July.

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"Mr. MADDEN. If they were killed, it would be a violation of law?

"Mr. LEMBKEY. It would; if the regulations permitted it, however, it would be in accordance with existing law.

"It should be remembered also that the law does not prohibit the killing of any male seal over 1 year or 12 months of age, although regulations of the department do prohibit the killing of anything less than 2 years old, or those seals which have returned to the islands from their second migration.

"Mr. TOWNSEND. That is a regulation of the Secretary of Commerce and Labor?

"Mr. LEMBKEY. Of Commerce and Labor; yes, sir."

He testified as follows, on page 442, Hearing No. 9:

"Mr. ELLIOTT. Mr. Lembkey, do you know the length of a yearling seal from its nose to the tip of its tail?

"Mr. LEMBKEY. No, sir; not offhand.

"Mr. ELLIOTT. You never measured one?

"Mr. LEMBKEY. Oh, yes; I have measured one.

"Mr. ELLIOTT. Have you no record of it?

"Mr. LEMBKEY. I have a record of it here.

"Mr. ELLIOTT. What is its length?

"Mr. LEMBKEY. The length of a yearling seal on the animal would be, from the tip of the nose to the root of the tail, 39½ inches in one instance and 39½ in another instance —

"Mr. ELLIOTT. Yes.

"Mr. LEMBKEY. And 41 in another instance. I measured only three."

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Also on page 443:

"Mr. ELLIOTT. How much can you say is left on a yearling after you have taken the skin off?

"The CHAIRMAN. How much skin is left after you have taken it off?

"Mr. ELLIOTT. Yes, sir; after they remove it for commercial purposes a certain amount is left on.

"Mr. LEMBKEY. I stated about 3 inches.

"Mr. ELLIOTT. Then that would leave a yearling skin to be 35 inches long.

"Mr. LEMBKEY. No; if it was 39½ inches long, it would leave it 36½ inches. That is, all the animal from the tip of the nose to the root of the tail would be 39½ inches long. Three inches off that would leave 36½ inches."

On the 13th of April, 1912, while Special Agent Lembkey was testifying, the following admission was made by him that he knew that the London measurements of the skins taken by him on the seal islands of Alaska, were the reliable and indisputable record of their sizes, and that the weights of the same were not, to wit:

Mr. LEMBKEY. You might make a yearling skin weigh 9 pounds by the adding of blubber, yet when it got to London it would be only so long and so wide.

Mr. ELLIOTT. That is it.

Mr. LEMBKEY. And of course it would develop in the classification when the skins would be exposed for sale.

(Hearing No. 9, p. 447, Apr. 13, 1912.)

The CHAIRMAN. What is the question to this witness?

Mr. ELLIOTT. I asked if he does not know that the sizes are established by measurements?

The CHAIRMAN. Just answer that question. Do you know it?

Mr. LEMBKEY. I have been so informed.

Mr. ELLIOTT. Do you doubt it?

Mr. LEMBKEY. Oh, no.

(Hearing No. 9, p. 441, Apr. 13, 1912; Ho. Com. Exp. Dept. Com. and Labor.)

The fact that Charles Nagel, Secretary of Commerce and Labor, had full prior knowledge of the falsifying of these skin weights into the books of the department as the weights of 2-year-old male seals when in truth they were not, is fully set forth in the following records of his office, to wit, and also that he was confronted with the indisputable proof of the fraud by the lessees in giving their lease, viz;

17 GRACE AVENUE, LAKEWOOD, OHIO,  
December 19, 1906.

HON. OSCAR STRAUS,

*Secretary Department Commerce and Labor, Washington, D. C.*

DEAR SIR: In the report of the Secretary of Commerce and Labor recently transmitted by the President to Congress, a discussion of the condition of the fur-seal herd of Alaska appears, and reference is made to the report of E. W. Sims, who made an investigation into the status of this herd last summer.

The Secretary repeats the words of Mr. Sims, and says that the fur-seal herd is rapidly disappearing as the result of pelagic sealing; he also adds that in his judgment the "destructive effect of this method of taking seals has not been fully realized"—i. e., by anyone until this season.

The Secretary is right in saying that this herd is "rapidly disappearing," but is entirely wrong in saying that the destructive effect of pelagic sealing has not been fully realized; he does not seem to know that on the strength of my showing of the full effect of pelagic sealing under existing law and regulations which I gave to the Ways and Means Committee of the House December 21, 1894, that that committee and the House took action February 22, 1895, to suppress and put the pelagic hunter out of business; but this wise, sensible, and merciful action of the House was defeated in the Senate by sworn agents of the Government, who denied this danger and injury incident to pelagic sealing, claiming that the rules of the Bering Sea tribunal were sufficient to avert it.

Again I brought this danger of pelagic sealing forward in 1898, after the Jordan-Thompson agreement of November 16, 1897, had utterly denied it. Again my charges of this real danger were officially denied by sworn agents of the United States Government in the service of the Treasury Department and indorsed by the Secretary of that department in a letter dated February 7, 1902, addressed to the chairman of the Ways and Means Committee of the House.

I answered this erroneous official statement of Secretary Shaw by making an exhibit for the committee which declared that by the end of the season of 1907 the male

breeding life on the Pribilof Islands would be extinct. (See Rept. Ways and Means Com., 2303; 57th Cong., 1st sess., pp. 4, 5.)

The committee overruled the Secretary of the Treasury and agreed with me; it reported and passed a House bill, February 2, 1903, which would have put an end to the inhuman and indecent business of the pelagic hunter had it not been again defeated in the Senate by a false statement made to the Senate Foreign Relations Committee by Senator Fairbanks, February 17, 1903, who assured his colleagues that an agreement to a satisfactory settlement had been reached in the Anglo-American Joint High Commission, and that that commission would publish it soon after it reconvened; that that reconvention would take place soon after the 4th of March, 1903; hence the House bill was not necessary.

I knew that this statement of Senator Fairbanks was without warrant and said so to his colleagues in the Senate at the time, but the sine die adjournment on March 4 prevented action, and so this second attempt to suppress the pelagic hunter failed. And it failed not from any want of understanding of the destructive effect of pelagic sealing, as the Secretary of Commerce and Labor says existed until the Sims report of 1906 had been made. Mr. Metcalf was himself a member of the Ways and Means Committee in 1902, when I gave that body the full understanding of this work of pelagic sealing, and he was also a member when I again reenforced my argument of 1902 with figures and facts, March 9-10, 1904.

He also heard my indictment of the excessive land killing by the lessees before this committee in 1904; he heard it denied by the lessees, and only partly agreed to by the Department of Commerce and Labor, solely on the strength of my showing March 9-10, 1904, did the department pledge to the committee the annual reservation of 2,000 choice young male seals from slaughter by the lessees on the Pribilof Islands.

On the 26th of October, 1905, the agent of the department in charge of the seal islands of Alaska, in an official report admits that my charge of injury through excessive land killing by the lessees is correct. (See p. 81, S. Doc. No. 98, 59th Cong., 1st sess.)

On page 33 of Secretary Metcalf's report for 1906 he tells us that the lessees during the season of 1906 "took 14,643 fur-seal skins, including 281 skins taken during the previous season." Then, in this same paragraph, and immediately following, he says that only 10,942 seals were killed on St. Paul Island and 1,685 seals were killed on St. George Island during the season of 1906. This analysis which he makes of his own figures declares the fact that 2,016 skins, and not "281 skins," came over into the catch of 1906 from 1905.

The significance of this you will at once observe when you understand that these 2,016 skins were the "food seals," which were killed in October and November, 1905, and still more, they were the 2,000 choice young male seals ordered spared and sheared (not branded) in June and early July, 1905, this sheared mark having entirely disappeared by the middle or end of September, since every fur seal by the end of September annually completely renews its own hair—sheds and grows it anew in August and September.

That this is not even faintly understood by the Secretary is plain, for in the next paragraph he proceeds to tell us that "in addition to the branded seals reserved for breeding purposes, 4,724 small and 1,944 large seals were dismissed from the drives as being ineligible for killing under the department's regulations."

More misinformation with regard to the subject can not be put into fewer words. Witness the following:

I. These seals were not branded; they were sheared instead, in June and early July. Then by the end of September they completely lose this mark of reservation, and each and every one of them that hauls out on the Pribilof Islands during October-November is killed as a "food" seal, and the lessees get the skins, which are carried over into the catch for the next season. (See the official proof of this on pp. 8, 64, 65, and 86 of S. Doc. No. 98, 59th Cong., 1st sess.)

II. These "4,774 small" seals do not represent in fact more than 800 or 1,000 such seals. Most of these seals have been recounted over and over again as they were redriven and then dismissed during the season. Some of them have reappeared in this fictitious total six or seven times.

III. These "1,944 large seals" were the sheared and spared seals of 1906 so marked in June and early July. Last October and November they were killed as they hauled out, as "food" seals, and their skins will appear in the quota or catch of the lessees for 1907, if these men are permitted to kill next season.

With regard to the report of Mr. Sims, I shall not dwell upon the many obvious and plain errors of statement and conclusion which appear in it. I do not do so because he admits that his experience in the premises is limited to a short week on the seal islands during the summer of 1906. No man, it matters not how great his inherent ability, can master this question and intelligently discuss it with so little experience.

With the single exception of correctly speaking of this immediate danger of complete extinction of the fur-seal herd of Alaska, under existing conditions, Mr. Sims is completely at sea and in profound error over everything that he brings into conclusion and recommends in his report of August 31, 1906.

Very sincerely, your friend and servant,

HENRY W. ELLIOTT,

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DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, January 2, 1907,

Mr. H. W. ELLIOTT,  
No. 17 Grace Avenue, Lakewood, Ohio.

SIR: I have to acknowledge the receipt of your letter of the 19th ultimo, commenting upon that portion of the Secretary's last annual report which refers to the Alaskan fur-seal service, and to thank you for the information therein contained.

Respectfully,

LAWRENCE O. MURRAY,  
Assistant Secretary,

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No. 17 GRACE AVENUE, LAKEWOOD, OHIO,  
May 18, 1908,

Hon. OSCAR STRAUS,  
Secretary Commerce and Labor, Washington, D. C.

DEAR SIR: On the 19th of December, 1906, I addressed to you a letter in which I pointed out to you certain pronounced errors of statement made in an official report to you by one E. W. Sims on the condition of the fur-seal herd of Alaska. That I did so was fairly imperative on my part, since these errors of statement and recommendation, which this inexperienced and wholly untrained agent made, were entirely subversive of the truth, and most injurious for those public interests at stake, if acted favorably upon by you.

On the 2d of January, 1907, I received an official acknowledgment of the receipt of that letter aforesaid, with the simple "thank you for the information contained." That acknowledgment was enough; it made no suggestion of an error in any statement on my part. There was none, and I knew it when I addressed you.

My chief protest in that letter was against the grave misstatement by Mr. Sims, who said that all of those seals ordered spared by the Hitchcock rules were duly "branded," and so exempted from slaughter ever afterwards by the lessees; that this "branding" was faithfully done, and those spared seals thus permitted to live; grow up into breeding bulls for the rookeries; all this officially and explicitly reported to you, when in fact it was not true.

Therefore I described to you the manner in which these seals were not branded—not one of them—and how they were sheared instead. How this sheared mark was entirely lost a few weeks later when the seal went into its natural annual molt and renewed all of its body hair. So that those sheared seals thus "branded" in June and July and spared then, when they hauled out again in October and November following were without any mark of exemption and were killed then by the lessees as "food" seals; that in this manner those land butchers were actually nullifying the regulations of the department, which Mr. Sims erroneously declared the faithful observance of to you.

What has been the result of this truthful and clear statement on my part to you made December 19, 1906? What has been done with regard to the conduct of affairs on the islands during the season following?

I have the official answer of the agents—your agents—now in my hands. It is printed as Senate Document No. 376, Sixtieth Congress, first session. Since I have myself officially reported to my Government on this life, and as I have so reported up to date that no man or official following me or prior to my work has thus far been able to successfully impeach the entire truth and sense of my published official records in 1881 and in 1890 (Monograph Seal Islands of Alaska, Government Printing Office, 1881), and (H. Doc. No. 175, 54th Cong., 2d sess.), I am constrained to review these reports of your agents for the seasons of 1906-7, inclusive. That review is herewith inclosed for your information and use. If I have made an error in it and it is publicly presented to me, I will be most happy to acknowledge it; but I desire to say that I do not believe it can be questioned seriously by any authority. I challenge the correction confidently.

Your agent, Mr. Lembkey, has no warrant or even the shadow of authority to ignore or dispute that table of skin weights which I officially published on page 81, *Mono-graph Seal Islands of Alaska* in 1881. He can not and will not be permitted to set aside in this idle manner, as he does on page 84, Senate Document No. 376, that long-established and standard agreement of all the United States Treasury agents, the agents of the lessees, and myself, upon these skin weights, from 1872 up to 1881; and, still more, his attempt to deny that record so officially published is in turn flatly denied by the life and growth of the fur seal itself to-day. That life and growth has not changed one hair's breadth from its order when I, first of all men, accurately recorded it in my published work—officially recorded it in 1872-90, inclusive.

I desire to say that it is with great reluctance that I take up this matter; but I can not let any officialism of to-day reflect ever so little upon my own of yesterday and which I shall defend against all ignorant or venal criticism, now and in the future, just as successfully as I have done so in the past. I refer especially to the "scientific" vagaries of Merriam and Jordan in 1891 and 1896-7 and the venal and calumnious work of John W. Foster before the Bering Sea Tribunal in 1893.

In the light of this letter, herewith inclosed, and which can not be truthfully clouded by any man, it must be clear to you that the lessees can not be permitted by you to safely kill a seal next summer on the Pribilof Islands; but your agents can be directed to permit the natives to kill some 2,500 or 3,000 small male seals for food without any risk to mention of doing injury to the public interests concerned.

I am, very respectfully, your most obedient servant,

HENRY W. ELLIOTT.

The back-room officials managed to keep Mr. Straus very quiet—so quiet that Elliott jogged him up a few months later, thus:

1232 FOURTEENTH STREET, NW.,  
Washington, D. C., December 7, 1908.

HON. OSCAR STRAUS,  
*Secretary Commerce and Labor.*

DEAR SIR: On the 18th of May last I addressed a letter to you, in which I called your attention to the salient errors of statement made to you in the 1906-7 reports of your seal-island agent, as printed by order of the Secretary. (S. Doc. No. 376, 60th Cong., 1st sess.)

In this letter aforesaid I inclosed a published review of that work of your agent. (Plain Dealer, Cleveland, Ohio, May 17, 1908.) I charged the lessees in this article (as inclosed) with the violation of their contract, since in taking their catch for 1907 they had killed yearling seals, and had done so because they were obliged to kill them or fail to get the 15,000 skins you allowed them to get under the terms of the Hitchcock rules. To get them they have openly violated those regulations of the department, and the inclosed evidence of their own sales agent in London convicts them of that charge—indisputably convicts them.

Even if we were to admit for sake of argument on this score that Special Agent Lembkey's classification of skin weights is correct, as published on page 84, Senate Document No. 376, above cited, even then this London classification declares that at least 6,000 yearlings were killed in the total catch of last season (1908). They must take these yearlings or have nothing—there is nothing left. That is the fact, and these men are draining the very dregs of that life up there to get the quota you allow them to have.

Very sincerely, yours,

HENRY W. ELLIOTT.

Mr. Straus however, growing embarrassed over this plain and direct offer of proof of fraud in the Bureau of Fisheries, put up the following evasion of his responsibility in the premises; he issued an executive order transferring the whole business into the hands of the Hon. Geo. M. Bowers, as the directly responsible agent of the Government, to wit:

DECEMBER 28, 1908.

*To the Commissioner of Fisheries, the agents charged with the management of the seal fisheries in Alaska, and others concerned:*

By virtue of the authority vested in me by the Revised Statutes of the United States, sections 1973 and 161, and by the organic act creating this department, approved February 14, 1903, it is hereby ordered that, subject to the direction of the head of the department, the Commissioner of Fisheries shall be charged with the general management supervision and control of the execution, enforcement, and



administration of the laws relating to the fur-seal fisheries of Alaska; that the agents charged with the management of the seal fisheries of Alaska, together with such other persons in the employ of the department as may hereafter be engaged in the execution of the said laws, shall be subject to the immediate jurisdiction and control of the Commissioner of Fisheries, and shall, in addition to the duties required of them by law, perform such other duties as he may, with the approval of the Secretary of Commerce and Labor, prescribe; that the appropriations for "Salaries, agents at seal fisheries in Alaska," 1908 and 1909, "Salaries and traveling expenses of agents at seal fisheries in Alaska," 1908 and 1909, and "Supplies for native inhabitants, Alaska," 1908 and 1909, shall be expended under the immediate direction of the Commissioner of Fisheries, subject to the supervision of the Secretary; and that all records, papers, files, printed documents and other property in the department appertaining to the fur-seal fisheries of Alaska shall be transferred from their present custody to the custody of the Bureau of Fisheries.

OSCAR S. STRAUS, *Secretary.*

This relieved Oscar Straus from answering Elliott directly, and threw it upon his successor, Charles Nagel, who appears on the scene March 4, 1909.

In the meantime Mr. Bowers, finding that the scent was growing pretty strong out of this fraud in killing seals, persuaded Secretary Straus to appoint a "high scientific advisory board" on fur-seal service, so that troublesome questions of citizens like Elliott could be "authoritatively" answered. Accordingly, on January 15, 1909, he appointed "Dr. David Starr Jordan (chairman), Dr. Leonhard Stejneger, Dr. C. Hart Merriam, Hon. Edwin W. Sims, Mr. Frederic A. Lucas, and Mr. Charles H. Townsend" as "the advisory board, fur-seal service." All the men named promptly accepted this appointment, and the board was formally commissioned February 6, 1909. (See Appendix A, pp. 811-813, June 24, 1911, H. Com. Exp. Dept. C. & L.)

Mr. Elliott taking due notice of this shift, and waiting patiently until the successor of Secretary Straus had been in office long enough to get his hearings, addressed the Hon. Charles Nagel a letter covering specifically the subject of fraud on the part of the lessees, as follows:

LAKEWOOD, OHIO, *April 26, 1909.*

HON. CHAS. R. NAGEL,

*Secretary Commerce and Labor, Washington, D. C.*

DEAR SIR: On the 8th of May, 1908, I addressed a letter to your immediate predecessor, inclosing a copy of a recent publication of facts over my own signature. In this letter I urged him to shut down that work of the lessees on the seal islands of Alaska, since it was being done in open and self-confessed violation of the regulations of the Government. The published statements, which I took the trouble to arrange and present in this responsible manner to him, demanded that action from him. But he took none. And still more, he did not even acknowledge the receipt of my letter aforesaid, which gave him this information, lacking on his part in the premises.

However, I know that such silence is the common refuge of that particular officialism which is both unable and unwilling to dispute a statement of fact running counter to its order. But I simply did my duty in the premises, as a good citizen should do.

Now, it is both my duty and my pleasure to renew this request and address it to you, and to inclose copies of the publications as sent to Mr. Straus last May. Also, in this connection, I desire to add that on December, 7 1908, I again submitted additional figures and facts to Mr. Straus, in a letter of that date, which declared that the lessees had again violated the specific terms of their contract during the season of 1908 by killing thousands of seals specifically prohibited from such killing by the express order of the Hitchcock rules. To this letter and its indisputable serious charge no acknowledgment has been made; no attempt to deny its statements has been even hinted at. The reason for that silence is good. The truth of my charge has been self-confessed by the lessees in London.

I therefore, on the strength of those figures and facts which I have submitted to the department, as above cited (May 18 and Dec. 7, 1908), respectfully renew my request that this work of the lessees be wholly suspended, and at once. I do so

in the clear light of the inclosed statements of fact. I also recommend that the law which bonds and binds this corporation leasing the seal islands of Alaska be enforced before it shall be too late to reach the lessees with those fines and penalties ordered by it for the public good.

I am, very respectfully, your friend and servant,

HENRY W. ELLIOTT.

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, April 29, 1909.*

Mr. HENRY W. ELLIOTT,  
*Lakewood, Ohio.*

SIR: This bureau has received, by reference from the department, your letter of the 26th instant, in which you invite attention to the condition of the seal herd on the Pribilof Islands, and inclosed clippings on the same subject from the Cleveland Plain Dealer, together with your comments thereon. Your communication, with its inclosures, has been placed on file.

Very respectfully,

GEO. M. BOWERS,  
*Commissioner.*

These specific charges thus made by Mr. Elliott stirred Secretary Nagel to appoint a special "expert investigator," one Geo. A. Clark, who was urged for this work by Dr. David Starr Jordan. This appointment of Clark was made on May 7, 1909 (see pp. 819-820, Appendix A, H. Com. on Exp. Dep. Com. & Labor). Clark went to the Pribilof Islands; made his report September 30, 1909.

In this report (on pp. 850, 851, Appendix A) he confirms the truth of Elliott's charges in re killing yearlings, as follows:

The yearlings of both sexes for the season must number about 12,000 each.

This question of the proportion of the sexes surviving to killable and breeding age is a fundamental one. It could be settled in a very few seasons by such regulation of killing for the quota as would limit it to animals of 3 years of age and over, leaving the 2-year-olds untouched. The quota would then fall where it belongs, on the 3-year-olds, and give a close approximation of the survivals among the young males, which in turn could be applied to the young females. This was the method used in 1896-97, when a minimum of 6 pounds in weight of skins prevailed. During the present season and for some seasons past a minimum of 5 pounds has been in force, the skins taken ranging in weight all the way from 4 to 14½ pounds, bringing all classes of animals from yearlings to 4-year-olds into the quota.

The result of this manner of killing is that we have no clear idea from the quota of the number of younger animals belonging to the herd. From the irregularity of the movements of the yearlings of both sexes and the 2-year-old cows, they can not be counted or otherwise accurately estimated on the rookeries.

With this proof of the truth of Elliott's charges in his hands, Mr. Secretary Nagel actually, on May 9, 1910, again renews the same killing orders of 1909, and again sends this guilty agent, Lembkey, up to kill 13,000 seals during June and July, 1910.

Lembkey kills 12,920 seals in 1910, and then when put under oath, April 13, 1912, before the House Committee on Expenditures in the Department of Commerce and Labor, he admits that 7,733 of them are the skins of yearling seals, taken by him in open, flagrant violation of the law and regulations which he was compelled to quote and confess that he had full knowledge of at the time he was busy in this malfeasance! (See pp. 372, 429, 434, 441, 442, 443, 446, 447, Hearing No. 9, Feb. 29, April 13, 1912, House Committee on Expenditures in the Department of Commerce and Labor.)

There is nothing ambiguous or indefinite in Mr. Elliott's letter of April 26, 1909, above quoted. Mr. Nagel was a lawyer of long-established practice and fully grasped the sense and point of Elliott's indictment, but he made no reply. Thinking it possible, however,

that he had not been specific enough, and to put Mr. Nagel beyond doubt as to his meaning, Elliott again addressed Nagel as follows:

LAKESWOOD, OHIO, *May 9, 1910.*

HON. CHARLES NAGEL,  
*Secretary Commerce and Labor.*

DEAR SIR: The reason why a new and competent audit of the seal-island books must be made in your department, and why it is demanded imperatively for the public good, is as follows, briefly stated:

I. The law has been openly violated on the killing grounds of the islands, and the terms of the lease ignored by the lessees thereof at frequent intervals, and repeatedly, from July 17, 1890, up to the close of the season of 1909. This violation of the law and the contract has been chiefly by the act of killing female and yearling male seals; said killings have not been in negligible numbers, but have run up into the tens of thousands of female and yearling male seals.

II. This illegal and improper killing has been ordered by the lessees, and falsely certified into your department as the taking of male seals according to law and the rules of your department.

III. The full and complete proof of this illegal killing as specified above exists on the islands and in the records of the sales of those skins. Any competent and honest auditor of those records will lay them open and so disclose the truth of those charges as made in Items I and II.

Very truly, yours,

HENRY W. ELLIOTT.

Giving Mr. Nagel full time to answer and knowing well why he did not answer, Elliott, on May 24, 1910, closed this record made as above, of timely, courteous warning to high officials of fraud practiced in their names on the seal islands, by sending the following square charge of the same to Charles Nagel, Secretary, to wit:

LAKESWOOD, OHIO, *May 24, 1910.*

HON. CHAS. NAGEL,  
*Secretary Commerce and Labor, Washington, D. C.*

DEAR SIR: As a good citizen and being possessed of abundant knowledge, based upon indisputable fact, I addressed a letter dated December 18, 1906, to your immediate predecessor, Hon. Oscar Straus. In this letter to him I specified certain grave and inexcusable errors of official reports made to him by his subordinates and certain specific acts of official malfeasance by the same, in re conduct of the public business on the seal islands of Alaska.

On the 2d of January, 1907, I received a single acknowledgment of the receipt to this letter, above cited, with "thanks for the information contained"; but taking notice of the fact that in spite of the indisputable truth of my charges and propriety of prompt reform to be made by him in the premises, Mr. Straus had made no move to do so, again I addressed a courteous letter May 18, 1907, to him, in which I renewed those charges and request for reform. To this letter I have never received even that perfunctory acknowledgment which was the entire return for my first one.

Of course I know why it was not answered—that subordinate officialism was guilty as indicted. It pigeonholed my letters; yet I had charity for Mr. Straus. I knew how hard it is for one in his position to get at the truth, so I quietly gathered an additional statement of fact bearing on this guilty officialism aforesaid, and again on December 7, 1908, I addressed a letter, courteously but firmly renewing my charges and request that he put an end to this malfeasance specified.

Did I receive an answer? No. Why? Because that guilty officialism again silently pigeonholed my letter, since it convicted and dismissed certain officers if acted upon.

Mr. Straus went out of office March 4, 1909. You succeeded. Knowing that you could not have any definite knowledge of this fur-seal business under your direction, except as you gathered it from this same guilty officialism aforesaid, I addressed you in turn a letter dated April 26, 1909, exposing that malfeasance under your hand. On the 29th following your perfunctory acknowledgment of its receipt came to me.

But to this day no attempt has been made since by you to answer its grave, explicit, and indisputable charges of official malfeasance on the part of your subordinates. Of course there is good reason for this silence on the part of that officialism thus indicted. It is guilty. But yet what are you sworn to do in the premises?

On the 9th instant I have addressed to you a final brief of this malfeasance on the part of your seal-island subordinates. Will continued silence on your part vindicate them?

Very truly, yours,

HENRY W. ELLIOTT.

Taking full notice of the fact that the Hon. Nagel did not intend to recognize the facts in the premises, Mr. Elliott rearranged the salient items of fraud in re of the lessees and mailed them on July 12, 1909, to President Taft, as follows, to wit:

The President wants nothing but the facts—he will attend to nothing else, coming from anyone, no matter how close that person may be to him personally. (News item.)

## BRIEF.

Analysis of the sworn official evidence which John Hay transmitted to Congress in 1902, which convicts the lessees of the seal islands of Alaska of gaining their lease from the Government, on March 12, 1890, by fraud and perjury, and which is self-confessed in this publication by those lessees aforesaid.

This proof is detailed in the testimony given to the Ways and Means Committee of the House of Representatives by Henry W. Elliott, on January 14, 26, and 28, 1907. (Said testimony is found in the record of that fur-seal hearing given to Mr. Elliott by that committee on those dates and duly preserved on the files.)

Respectfully submitted for the information and the use of the President by Henry W. Elliott, July 12, 1909.

## MEMORANDUM FOR THE PRESIDENT IN RE FUR-SEAL FRAUDS.

The evidence which has been sent in to Congress by John Hay that convicts the lessees of the seal islands of Alaska of fraud and perjury March 12, 1890, in securing their lease from the Government, is found as follows:

In February, 1890, Secretary Windom invited bids for the renewal of the lease of the seal islands of Alaska, said lease to run from May 1, 1890, 20 years.

On February 20, in the presence of the agents and representatives of the bidders for this lease, he opened nine proposals. These bids were all carefully scheduled and referred by the Secretary to a board of survey, composed of three chiefs of divisions in the Treasury Department. This board was directed to report to the Secretary the best bid offered as above stated for the Government to accept.

This board of survey found that the bid of the North American Commercial Co., of San Francisco, Cal., was the best for the public and so reported to Mr. Windom. This finding was unofficially made known to the bidders, and the Secretary informed the president of the North American Commercial Co., Isaac Liebes, that on the 12th of March this lease aforesaid would be awarded to him then if he appeared at the Treasury Department at that time and complied with the stipulations and regulations demanded by law and the department.

Mr. Liebes appeared as desired and above cited. Mr. Windom then said to him that he had been credibly informed by good authority that Mr. Liebes and his associate bidders, in the name of the North American Commercial Co., were owners of pelagic hunting schooners and interested in the buying and selling of fur-seal skins taken at sea. If that were true then Mr. Windom said that he had a plain duty to perform and would throw out the bid of the North American Commercial Co.

President Liebes replied that this charge that he and his associates then owned a pelagic hunting schooner or schooners or were then interested in the buying and selling of pelagic skins was not true. He said that he and his associates had disposed of all their interests in pelagic sealing vessels and skins and came into this bidding entirely clean and free of any association with or interest in that business of pelagic sealing as charged.

Secretary Windom then told him that he (Liebes) must make oath to that declaration: that if he did so then this lease aforesaid would be duly awarded to the North American Commercial Co.

Mr. Liebes replied and said that he was then ready to do so; and he did so in the presence of the Secretary and the several chiefs of division, who formed the Board of Survey, as above stated. This oath having been duly made and recorded, Mr. Windom then, on March 12, 1890, formally executed the lease and awarded it to the North American Commercial Co. aforesaid. (See pp. 142-143, H. Doc. No. 175, 54th Cong., 2d sess.)

When Mr. Isaac Liebes swore, on the 12th day of March, 1890, that neither he nor any of his associates in the North American Commercial Co. owned pelagic hunting vessels or were interested in the business of pelagic sealing, on that day and date aforesaid he committed deliberate perjury, and by so doing he secured that lease from the Government, as above described, in a fraudulent manner.

The official sworn proof of this perjury aforesaid is found in the following: Report on the foreign relations of the United States, 1902, Appendix I, etc., sent into Congress by John Hay. This Appendix I is also published as House Document No. 1, Fifty-seventh Congress, second session.

On page 203 of this House Document No. 1 aforesaid is the sworn official oath of sole ownership of the pelagic hunting schooner *James Hamilton Lewis*, executed January 10, 1890, by Herman Liebes, the partner of Isaac Liebes and associate member and director of the North American Commercial Co. aforesaid.

This record of the ownership of the *James Hamilton Lewis* as above cited, in the name of Herman Liebes, associate incorporator and director of the said North American Commercial Co. (with Isaac Liebes, D. O. Mills, and Lloyd Tevis), stands without change on the books of the United States customhouse, office of the collector of the port, San Francisco, Cal., as quoted above, up to September 17, 1890. Then this sealing schooner, the *James Hamilton Lewis*, is sold by H. Liebes to H. Liebes & Co. (Inc.). So that, then, this said vessel stands on the collector's books as the property of Herman and Isaac Liebes. (See p. 120, "Exhibit A," H. Doc. No. 1, aforesaid.)

Then and thereafter, up to July 29, 1891, this sworn proof of the ownership of that vessel, as above cited, stands without change; but on this date a bill of sale is made of that vessel by H. Liebes & Co. (Inc.) to Max Waizman, etc. (See p. 120, Exhibit A, H. Doc. No. 1, 57th Cong., 2d sess.)

Thus the State Department, in this form and time, sends the proof clear and undisputable to Congress that Isaac Liebes, president of the North American Commercial Co., of San Francisco, Cal., did, on the 12th day of March, 1890, utter fraud and perjury in the presence of the Secretary of the Treasury, William Windom; that by said utterance he fraudulently secured the lease of the seal islands of Alaska, as above stated, from the Government.

HENRY W. ELLIOTT.

JULY 12, 1909.

All of which is respectfully submitted on this 12th day of July, 1909, for the information and the use of the President of the United States.

HENRY W. ELLIOTT.

The President, after studying them, on July 29, 1909, sent them to Secretary Nagel for examination and report, and on the 6th of August following Elliott finally was recognized as follows:

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, August 6, 1909.

SIR: The receipt is acknowledged, by reference from the President, of your communication of the 12th ultimo, in which you make certain charges against the North American Commercial Co. in connection with its lease of the seal islands.

In reply you are advised that your letter and the statements contained therein will receive proper consideration.

Respectfully,

ORMSBY MCHARG,  
Assistant Secretary.

Mr. HENRY W. ELLIOTT,  
17 Grace Avenue, Lakewood, Ohio.

Did Secretary Nagel ever make any "examination" into these grave charges and official proof cited of the truth of them? Not a line has ever been put upon the files of his office which declares that he did so, but he did authorize a newspaper scout named Gus Karger to publish the following improper and untruthful statement, to wit:

I. Secretary Nagel has instructed them (the officials of the United States Fish Commission) to pay no attention to his (Elliott's) charges. \* \* \*

II. Elliott has made charges against James G. Blaine, John Hay, and Charles Foster. \* \* \* He has also made charges against Hon. John W. Foster. \* \* \*

III. He (Elliott) was thrown almost bodily out of the Ways and Means Committee on account of getting into a controversy there with the Hon. Sereno Payne, the chairman. \* \* \*

IV. He used to be an authority 20 years ago, \* \* \* but he is now getting somewhat confused. \* \* \*

The officials of the Bureau of Fisheries have a most intense dislike for this man \* \* \*—(Cincinnati Times-Star, Aug. 30, 1909.)

The last effort made by Charles Nagel as Secretary of Commerce and Labor to shield these guilty lessees and his own subordinates from exposure and punishment is found fully made in the following letter to Hon. Wesley L. Jones, chairman Senate Committee on Fisheries. Mr. Nagel deliberately uses a series of "loaded" skin weights to deceive Senator Jones, thus:

FEBRUARY 23, 1911.

HON. WESLEY L. JONES,  
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of the 10th instant, inclosing a communication to you from Henry W. Elliott relative to the sealskins taken on the Pribilof Islands during the season of 1910. Mr. Elliott sends you a memorandum giving certain data which he wishes you to believe were taken from the Fur Trade Review for February, 1911, showing that 8,000 skins out of the 12,920 sold in London in December last were taken in violation of the regulations of the department.

Mr. Elliott's statements relative to fur seals and the fur-seal question have for many years been characterized by reckless extravagance. As long ago as 1886 the governor of Alaska in his official report to the President of the United States for that year (p. 22) said:

"The fact is either Mr. Elliott entertains a mistaken idea of the duty he owes to his employers (the Alaska Commercial Co., by whom I am unwilling to believe him prompted in his persistent misrepresentations of Alaska and her people), or else he must be governed by a malicious hatred of the people of this Territory, among whom he is chiefly noted on account of the colossal impediment with which his veracity seems to be afflicted. It is incomprehensible why the statements of this man under the circumstances should be accepted by committees of Congress in matters pertaining to a Territory he has not seen for a dozen years in preference to those of officers of the Government who are on the ground and sworn to faithfully and conscientiously guard the interests committed to their care."

The memorandum of Mr. Elliott states:

"On pages 61 and 62 of the New York Fur Trade Review for February 1911, \* \* \* is the following official classification of the sale made December 16 last of the fur-seal skins taken as above cited, to wit:

78 "smalls," or 3-year-olds.....	7½ to 8 lb. skins
793 large pups, or "short" 3-year-olds and "long" 2-year-olds.....	6½ to 7 lb. skins
3,775 "middling pups" or "short" 2-year-olds and "long" yearlings.....	5½ to 6 lb. skins
6,195 "small pups" or yearlings.....	4½ to 5 lb. skins
1,809 "ex. sm. pups" or "short" yearlings.....	3½ to 4 lb. skins
270 (not well classified).	

It is believed that you will be interested in learning that the foregoing figures, submitted by Elliott as being contained in the issue of the Fur Trade Review, do not appear therein but have been deliberately supplied for the purpose of influencing you and the members of your committee. The Fur Trade Review article gives a detailed statement of the sales of sealskins in London, but differs from the Elliott quotation thereof in the following particulars, as you may readily ascertain by consulting the publication: (1) The official record of the sales of the various sizes of sealskins shows a material difference from Elliott's figures, of which not a single one is correctly given; (2) The official statement contains no reference whatever to the ages of the seals, and all the ages inserted in Elliott's alleged quotation are fictitious; and (3) the printed record makes no mention whatever of the weights of the skins, all the figures given by Elliott being supplied by him for his own purposes.

As you are doubtless aware, the trade designations of the sealskins ("smalls," "large pups," "small pups," etc.) have no reference to the actual ages of the seals. Thus, the term "small pups" include seals 2 years old whose skins weigh over 5 pounds and less than 6 pounds, while the term "large pups" is applied to skins that weigh over 6½ pounds.

For your information, there is appended hereto a statement received from Messrs. Lampson & Co., of London, dated November 9, 1910, by which firm these skins were sold, showing the number, weights, and classification as to size of the skins to which Elliott refers. These weights correspond with those taken on the islands before shipment. The smallest weights reported by Lampson are 4 pounds 10 ounces, of which weight there were only 11 skins. The next smallest weight thus reported was 4 pounds 15 ounces, or within 1 ounce of the size prescribed by the departmental regulations, and these embrace only 81 skins; this immaterial underweight was due to the excessive



care of the natives in removing from the skins every vestige of fatty tissue for food. There were thus only 92 skins which, while taken in conformity with law, were under the limit of 5 pounds prescribed by the department, and of these between 70 and 75 per cent were taken for food purposes by the natives after the close of the regular killing season.

When the possibilities of error in judgment as to weight of pelts not yet removed from the seals and of unavoidable accidents incident to the killing of thousands of animals are considered, the wonder is that there are so few undersized animals killed. The results indicate careful supervision by the agents and also accuracy on the part of the clubbers.

The law forbids the killing of seals less than 1 year old except when necessary to secure food for the natives. This necessity did not arise in 1910, and, consequently, no seals under 1 year old were killed in that year.

Respectfully,

CHARLES NAGEL, *Secretary.*

To heighten the meanness and deceit employed by Secretary Nagel in the foregoing letter, he uses a retracted and self-confessed slander uttered by "the governor of Alaska" (A. P. Swineford). The "governor" was haled before the House Committee on Merchant Marine and Fisheries to answer for the libel above quoted by Nagel, and then and there made a complete and full retraction of it. "I have been misled and misinformed," he told the chairman. (See H. Rep. 3883, 50th Cong., 2d sess, App. A, pp. XXV-XXVIII.)

And furthermore, and in proof of the fact that Charles Nagel, Secretary of Commerce and Labor, was specifically informed of the illegal and improper killing being done on the Seal Islands of Alaska under his authority and by his authority, the following additional sworn proof of that guilty knowledge possessed by Mr. Nagel, is offered, to wit:—

#### EXHIBIT A.

LETTER FROM THE COMMITTEE OF THE CAMP FIRE CLUB TO SECRETARY NAGEL.

[Italics ours.]

BEDFORD PARK,  
New York City, May 10, 1910.

HON. CHARLES NAGEL,  
*Secretary of the Department of Commerce and Labor,*  
Washington, D. C.

SIR: I am sorry to be obliged to pursue the interests of the fur seal any further; but a recent publication of news from Washington compels me to do so.

Closely following the information that you have placed the seal islands in charge of the Bureau of Fisheries, I am confronted by this alleged statement by Commissioner Bowers, as published by Mr. Ashmun Brown, regular correspondent, in the Seattle Post-Intelligencer, on Sunday, May 1:

*Commissioner Bowers said to-day:*

*"Certainly there will be no wholesale killing; but some seals in the herd ought to be killed from time to time, and that is all that is intended."*

To all those who know that the situation demands, for at least five years, a complete cessation of all seal killing on the Pribilof Islands, coupled with the knowledge that Commissioner Bowers and his advisers on the fur seal hold to the view that a certain percentage of fur seals should be killed each year—"for the good of the herd"—the publication quoted above is rather startling. I would be glad to know whether Commissioner Bowers has been correctly quoted, and also whether it really is his intention to kill seals "from time to time."

At the hearing before the Senate Committee on Conservation, on March 22, I became painfully conscious of the fact that Mr. Lembkey, who is one of Commissioner Bowers's chief advisers, earnestly desires that the killing of seals shall go on, and that evidently it was through his advice that a very large appropriation was asked for, for the purchase of a plant which would facilitate such operations. It seemed to me perfectly evident that Mr. Lembkey is anxious to have the job of superintending the killing of the seals on the islands; and therefore I regard his presence on the fur-seal board of the Fisheries Bureau, and as an adviser to Fish Commissioner Bowers, as dangerous to the interests of the fur seal.



While I am on this subject I desire to respectfully call your attention to the fact that at least a majority of the advisory board of the fur-seal service—if not indeed the whole body—is of the opinion that the killing of surplus male seals should go on to the extent of 95 per cent each year. This fact is fully attested in recommendation No. 2, as adopted on November 23, 1909, at a full meeting of the board. You will find it in the copy of the recommendations now on file in your office. The advisory board of seven persons and the fur-seal board of the Fisheries Bureau, also consisting of seven persons, not only jointly approved the making of a new killing lease, as shown by recommendation No. 1, but also, by direct implication, approved the killing of "95 per cent of the 3-year-old male seals." The advisory board completely failed to recommend a close season for the fur seals, or for any restriction on commercial killing, beyond a paltry 5 per cent per annum of the 3-year-old males.

In view of the present situation, I respectfully suggest that, because of his personal interests in the killing of fur seals for commercial purposes, it is to the interest of the Government that Mr. Walter I. Lembkey be dropped from the fur-seal board, and that Mr. Henry W. Elliott, of Cleveland, Ohio, should be appointed to a position on the advisory board. I think it is no more than fair that among the 14 persons who hold the fate of the fur seal in their hands there should be at least *one person* who can represent the views of a very large number of sportsmen and naturalists who are interested in seeing the fur-seal industry restored by the most thorough and expeditious methods, but whose views are not at present represented in any manner whatsoever before your department.

Yours, very respectfully,

W. T. HORNADAY,  
*Chairman, etc.*

Mr. Nagel replies deliberately to Dr. Hornaday in the following letter, which is both arrogant, and insulting, to wit:

#### EXHIBIT B

LETTER FROM SECRETARY NAGEL TO THE COMMITTEE OF THE CAMP FIRE CLUB.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, May 15, 1910.

SIR: I have read your letter of the 10th instant with some surprise. As you know, you have been given the fullest opportunity to give your advice as to the management of the seal herds before the congressional committees, and with respect to the particular subject which you now have in mind your advice was not accepted. If you had not had the opportunity to present your views, and urged them for the first time now, I might have some questions as to the propriety of my course. But since all the phases were presented to the committee, and Congress by unanimous vote charged me with the responsibility of determining what should be done by way of killing, you will appreciate that I must regard the question as closed.

I may add that as far as I know there are only two persons who manifest any interest in this matter and who differ from the view which has been accepted by Congress and by the department. I have reason to believe that members of the Camp Fire Club who have had an opportunity to visit the islands and to see the seal herds—a privilege of which I believe you have not availed yourself—entertain views directly opposed to yours. In fact, I would be glad to know whether you are writing in your own person, or as representative of the club, when you sign yourself as chairman.

Now, Mr. Hornaday, you have considerable responsibilities in your official employment, and I shall endeavor not to molest you. I hope that you will accord me the same privilege in my capacity. I always welcome advice; I do not fear criticism; but I do discourage unnecessary comment upon other men engaged in my bureau who are charged with responsible duties, who are expected to be loyal, and who are not in a position to defend themselves. I regard it as my part to speak up for them.

Respectfully,

CHARLES NAGEL,  
*Secretary.*

Mr. W. T. HORNADAY,  
*Chairman Committee on Game Protective Legislation,  
The Camp Fire Club of America.*

This threat of Mr. Nagel "to molest" Dr. Hornaday if the latter did not drop this business of looking at the manner in which those public interests were being destroyed, did not prevent Dr. Hornaday from continuing that observation, for the following answer by him was quickly made, which gave Secretary Nagel full knowledge and ample warning of what he might expect if he pursued this seal herd with illegal slaughter, to wit:

EXHIBIT C.

LETTER FROM THE COMMITTEE TO SECRETARY NAGEL.

BEDFORD PARK,  
New York City, May 18, 1910.

HON. CHARLES NAGEL,  
*Secretary of Commerce and Labor.*

DEAR SIR: Your letter of May 15 in reply to my inquiry regarding the accuracy of the published interview quoting Commissioner Bowers as saying that fur seals are to be killed by your department this year on the Pribilof Islands confirms my worst fears. You do not contradict the published information that seal-killing operations are to proceed this year under your authority and direction. You and the friends of the fur seal are now literally at the parting of the ways, and only your calmest judgment can save you from making a very grave mistake.

If the English language has any meaning, your own letter clearly indicates that it is your intention to go on killing seals. It means that you will not permit the harried herds anything in the nature of a close season. You say that my advice on this point "was not accepted." You assume that Congress agrees with you regarding the continued killing of seals, and you say that you "regard the question as closed."

I think the inclosed printed report of the Camp Fire Club's committee on game protective legislature will show you whether or not I represent the Camp Fire Club, or at least all of it except the one member who is known to share your views.

Your implied threat to me if I pursue this matter any further is of no effect anywhere. You are welcome to "molest" me if you can. But it happens that I am not on trial in this matter or in any other. I do not write you now to threaten you, but only to give you, in the friendliest spirit in the world, a solemn warning not to commit an act that will be a grave error. If you have read the newspapers during the past three months, you must know that the acts of even a Cabinet officer are subject to review by the public he is supposed to serve, and no threats of yours, either expressed or implied, will for one moment deter me and the hundreds of strong and capable men I represent from holding you accountable for your future acts regarding the fur seal. We do not propose that our work shall be nullified in the manner that you calmly propose.

You say my "views were not accepted." This would be important if it were true.

Why did President Taft send a special message to Congress to provide against the making of a new killing lease?

To stop the killing of the fur seals on the Pribilof Islands.

Did the President, or did Senator Dixon's committee, or the United States Senate, intend for one moment that you should go right on in the bloody killing business without a halt?

No! A thousand times no, and you know it!

Was it not partly for the purpose of clearing our hands of fur-seal blood and clearing the road for treaties by the State Department that the new law was driven through Congress?

You now propose to nullify the whole act, and set up Lembkey in the killing business in place of the North American Commercial Co.

When you and I were before the Senate Committee I saw clearly what was in Lembkey's mind, and at last I suspected what was in yours. It was then that I demanded of you a positive assurance regarding your intentions, some proof that you were giving the committee a square deal. And what did you reply?

You were careful to give no assurance whatever. You merely shifted uneasily in your chair and said, "I would like to have the right to kill seals, for I think it would be a good thing to hold it as a club over the heads of the pelagic sealers," or words to that effect.

Now, what is it that you are really going to do?

You propose to use the bloody club on the seals themselves forthwith; and you propose to pay good Government money for a lot of old junk with which to carry on the seal-slaughtering business.

I tell you, Mr. Secretary, that the records of the last 15 years of fur-seal history are black with official blunders, and some other things even more serious. The records are all accessible for publication, if necessary. I had hoped that through President Taft's wise, prompt, and very statesmanlike initiative a new era had dawned. I know that the United States Senate intends that there shall be a change for the better, and I know that in the Senate my views regarding the stoppage of seal killing just now are accepted. If you doubt it, we can very easily have that question decided in the Senate Chamber. I warn you that if you permit any seals to be killed on those islands during your term of office it will be a breach of the faith that has been reposed in you by the Senate Committee on the Conservation of National Resources. As to the consequences of this course, it is not necessary for me to make any predictions just now.

Yours, very truly,

W. T. HORNADAY,

*Chairman Committee on Game Protective Legislation and Preserves.*

Approved by—

JULIUS H. SEYMOUR,

*Council for the Camp Fire Club.*

MAY 18, 1910.

This vigorous, square, truth-telling letter, as above quoted, of Dr. Hornaday, stung Secretary Nagel into the following answer, which at once squarely puts him in the light of having full knowledge of what the nature of the illegal killing he was about to perpetuate was, to wit:

#### EXHIBIT D.

##### LETTER FROM SECRETARY NAGEL TO THE COMMITTEE.

DEPARTMENT OF COMMERCE AND LABOR,

OFFICE OF THE SECRETARY,

*Washington, May 23, 1910.*

DEAR SIR: I have read your letter of the 18th instant. It is apparent that further correspondence will not aid the situation. You are entitled, however, to know the position of the department, and I shall endeavor to state it as briefly as possible.

That pelagic sealing ought to be stopped is admitted by everyone, and every effort is being made to put a stop to this brutal and uneconomic practice. So far nothing positive has been accomplished. You are of the opinion that in the meantime the preservation of the seal herds would be furthered by a closed season upon the islands for a certain number of years. As to this there is, to say the least, a difference of opinion. Those who have been charged with the responsibility to investigate these conditions advise that a cessation to the killing will only play into the hands of pelagic sealers. They are of the opinion that the killing of a large proportion of male seals is not only safe, but conduces to the preservation of the herd. It is proposed, for the present, to proceed upon this theory, as Congress is understood to have contemplated when the new law was enacted. The President and the State Department are fully advised of what it is proposed to do. I think it right to inform you because you seem to contemplate steps to have the policy of this department reversed. Inasmuch as the season is approaching, any action of that kind ought to be taken promptly.

In your letter of the 10th instant you said that "because of his personal interests in the killing of fur seals for commercial purposes it is to the interests of the Government that Mr. Walter I. Lembkey be dropped from the fur-seal board." More especially because of the use of that language, I asked you whether you were writing in your own person or as representative of the club. You now assure me that you represent the club, and I must call on you to specify your complaint against Mr. Lembkey. If your objection is based merely upon a difference of opinion between you and Mr. Lembkey as to the wisdom of killing seals, it will serve no purpose to discuss the matter further with me. If, however, you mean to say that Mr. Lembkey is disqualified as an official because of personal or financial interests in the killing of fur seals for commercial purposes, then it is fair that he should be notified of that charge, and that the department should be advised at once in order that it may investigate. If you are prepared to specify so that this matter may be made the subject of an

inquiry, I shall be obliged to have you do it promptly, because Mr. Lembkey is expected to leave for Alaska in the near future, and after he has gone it will be difficult to make a change or even to communicate in time to take action.

Respectfully,

CHARLES NAGEL, *Secretary.*

Dr. W. T. HORNADAY,  
*Camp Fire Club of America, New York City.*

P. S.—Since dictating the above, Mr. Bowers has shown me your letter to him of the 19th instant. You make serious comments upon one or more of the fur-seal experts or expert advisers. Of course, I do not know what you have in mind, but inasmuch as these advisers occupy positions of some responsibility, especially at this time, it is of great importance to me to know the facts just as promptly as possible, and you are therefore invited to put in my possession all such statements as you may be willing to give that will enable me to make a proper inquiry.

CHARLES NAGEL, *Secretary.*

To this letter asking for specific charges, Dr. Hornaday at once sent the following direct, pointed specifications, to wit:

EXHIBIT E.

LETTER FROM COMMITTEE TO SECRETARY NAGEL CLOSING CORRESPONDENCE.

[The italics are ours.]

BEDFORD PARK, *May 27, 1910.*

Hon. CHARLES NAGEL,  
*Secretary of Commerce and Labor,*  
*Washington, D. C.*

DEAR SIR: Your letter of May 23 is really discouraging, because it shows that your resolution regarding the killing of fur seals forthwith remains unchanged. I have decided that in fairness I ought to write you once more on this subject, because there are powerful influences endeavoring to lead you into an untenable position, and the fur-seal scandal is rather new to you. But this will be my last letter to you of warning or entreaty.

My objection to Mr. Lembkey in the ranks of your expert advisers regarding the fate of the few remaining fur seals is due to a belief that by reason of his well-known personal interests in seal killing he is incompetent to act as either a judge or a juror in the case. Throughout the civilized world, it is a rule of law that any man whose personal interests are involved in a case is thereby rendered ineligible to act on that case, either as a judge or a juror. In view of the indisputable fact that Mr. Lembkey has much at stake in the seal-killing business, it seems to me that his eligibility as one of your advisers is not a debatable question.

Since you invite me to give you any information that I have which bears on the matter before you, I will briefly mention two things.

I will call your attention to the known fact that on the Pribilof Islands paid representatives of the United States Government have permitted female and young seals to be killed, skinned, and sold in defiance of law. For example, the unlawful slaughter of females was observed, and has been officially recorded by a committee of United States Senators. Beyond a doubt, Commissioner Bowers can immediately refer you to the published record, and name the Government men who were on duty at the time. Just how many female seals and very young seals have been killed from year to year on our islands since 1903 remains to be demonstrated later on.

It will be an easy matter for you to ascertain who were the men in charge of the islands who were so careless as to permit illegal killing during the visit of the Senate committee and consider what shall be done with them, provided the guilty men are still in Government employ.

I respectfully suggest that the American people will be interested in knowing through your investigations how many female seals and very young seals were killed during the past eight years when no outsiders were visiting the islands to observe

and report. It appears to be a fact that the sales of skins from our islands have shown the slaughter of many yearling and pup seals, contrary to law. Now, who is to blame for *permitting* that slaughter?

I will also point out to you that the report of the total number of seals surviving last year, as made to you by Mr. Clark and published by you, is manifestly erroneous and absurd in that it reports a number of living seals far in excess of existing facts. At present I will do no more than draw your attention to the fact (officially published) that on December 17, 1903, Mr. Walter I. Lembkey declared to his chief in the Department of Commerce and Labor (Hon. Frank H. Hitchcock), in the presence of Mr. Henry W. Elliott, "that at the close of the season of 1903, August 1, the whole number of fur seals alive then on the Pribilof Islands *was not to exceed 150,000.*"

Now, Mr. Secretary, I ask you: Where is the man of intelligence who will have the hardihood to say that the fur seals of the Pribilof Islands, harried constantly, as they have been by a powerful fleet of pelagic sealers, have not decreased more than 10 per cent since December, 1903? Look at the London market reports of the annual catches of the pelagic sealers of "Alaskan" seals; consider that according to your own Mr. Lembkey *two* seals are killed and *lost* for every *one* killed and secured by the pelagic sealers; then decide whether you think the total number of seals has not enormously decreased during the past seven years. And yet your Mr. Clark has officially reported to his chief that the seals on the islands "now number less than 140,000" (see your annual report). Why should "140,000" be suggested, when the real figure can hardly be *one-half* that? Was it not to deceive you into thinking that the number so deftly suggested is approximately the real number living? I claim that it was.

Who is there that will go before the American people and assert that there are now more than 60,000 seals belonging to our islands, except the men who wish to make a living by killing them? That there were only 14,336 killable seals on the islands last year, when 15,000 were desired, is very significant.

We are now at the parting of the ways; for I see clearly that you and the Camp Fire Club of America do not agree on any one essential point. We shall feel it our duty to appeal to the President, asking him to take the responsibility of directing a suppression of hostilities by your department. We shall tell him that when you were before Senator Dixon's committee that committee unsuspectingly approved *your* bill (clothing yourself with most absolute powers) in the belief that no seals were to be killed by your orders in the immediate future. Fortunately, it was first promised that you should have \$100,000 for the purchase of the effects of the North American Commercial Co. Then it was pointed out that if no seals were killed and no wages paid the natives therefor the entire support of the natives must be provided by Congress.

As you will undoubtedly remember, and as the records will show, there exists abundant documentary proof of this fact. It was your Mr. Lembkey who then said: "Well, gentlemen, if there is to be no seal killing then we will need a larger appropriation to *enable us to take care of those natives.*" Thereupon some one finally proposed \$50,000 as the additional amount necessary for the support of the natives because no seals were to be killed by them, and they would receive no wages as they heretofore have done. The \$100,000 you originally proposed was then and there increased to \$150,000 for that purpose. It was appropriated by Congress, promptly and cheerfully, and you have it to-day.

But the unquestionable "gentleman's understanding" on which that extra \$50,000 was granted you does not rest on my memory, nor even upon the stenographic report of the hearing before the Senate Committee on Conservation. What the committee expected of you and the purpose of that extra \$50,000 was clinched on the floor of the Senate by Chairman Dixon in the following words, explaining to Senator Hale why your appropriation was to be so large as \$150,000:

"But in the meantime, if we put into effect the closed season, these Indians will be living on the islands with nothing to live upon, with no physicians or schools; and in view of their support and maintenance temporarily, *until the killing again takes place*, the Secretary felt that the Government should make some provision to take care of them in the meantime." (Congressional Record, Mar. 23, 1910, p. 3655.)

The "Secretary" referred to was Hon. Charles Nagel, Secretary of Commerce and Labor, who, with \$50,000 to his credit especially to enable him to maintain 300 natives without paying them wages for butchering seals, now calmly proposes to accept the advice of the evil genius of the fur seal, and go right on with killing operations.

As indisputable evidence I will attach to this letter a portion of the Congressional Record containing Senator Dixon's exact language.

Now, what was the intention of President William H. Taft, when he penned his special message to Congress in behalf of the fur seal? Here are his exact words, as published in Senate Document No. 430, March 15.

"The policy which the United States has adopted with respect to the killing of seals on the islands is not believed to have had a substantial effect upon the reduction of the herd; but the discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries. To that end it is recommended that the leasing system be abandoned for the present, and that the Government take over entire control of the islands, including the inhabitants and the seal herds. The objection which has heretofore been made to this policy, upon the ground that the Government would engage in private business, has been deprived of practical force. The herds have been reduced to such an extent that the question of profit has become a mere incident, and the controlling question has become one of conservation."

As any man may see from the foregoing, the President and Congress intended, and still do intend, that the slaughter of fur seals on our islands *shall immediately cease!* Just when they will be willing for killing to be resumed is a question that the future alone can determine. Congress, as representing the people of this Nation, desires that the international fur-seal disgrace shall end immediately, and that blundering shall cease. The good intentions of the President and Congress are entirely beyond dispute. They accepted your bill without question; and they gave you \$50,000 for the first year's maintenance of the natives who no longer would draw wages from seal butchery. They even gave you, most generously, and almost without question, \$100,000 with which to buy up the old property of the outgoing lessees—old junk, we call it—at prices to be fixed by your representatives.

All this was done in the belief that you honestly intended to take the first and most important step in ending the great scandal.

We warn you not to make a false step in this matter. If you carry out your present intention blame will fall heavily, and it will fall upon you and Commissioner George M. Bowers. The public will not care who advised you two to break faith with Congress or who "concur" in it. You will be arraigned on the floors of Congress and in the press of America, and if the terms of your arraignment are severe you will have only yourself and the evil genius of the fur seal to thank for it.

The moderate tone of your last letter has made me feel deeply sorry that you are being led by blind guides into a totally false position, and one which quickly will prove very hateful to you. I am taking all this trouble to warn you because Senator Dixon has assured me that at heart you are a very conscientious man. You have not followed the fortunes of the fur seal for 30 years, as I have. You are depending upon the advice of men who are giving you bad advice—for several different reasons. The one man whose advice would be worth most to you—Mr. Henry W. Elliott—is cordially disliked by some of the "fur-seal" experts whose mistakes he has mercifully exposed.

If the Secretary of State really wishes you to slaughter seals in order to facilitate the making of treaties against seal slaughter (?), then may Heaven help his "negotiations," for assuredly they will need it. In the well-nigh annihilation of the fur-seal industry the Department of State already has many failures to answer for, and it is high time for those failures to give place to one diplomatic success.

Yours, very truly,

W. T. HORNADAY,  
*Chairman Committee on Game Protective Legislation and Preserves,  
Camp-Fire Club of America.*

Approved and signed by—

JULIUS H. SEYMOUR,  
*Counsel.*  
A. S. HOUGHTON.  
CHARLES D. CLEVELAND  
MANHALL McLEAN.  
GEORGE WM. BURLEIGH.  
WILLIAM B. GREELEY.

Did Charles Nagel attempt to answer and deny those specific charges of fraud and wrongdoing put up to him in the above responsible and authoritative form and record? No. He issued his orders as usual to Walter I. Lembkey, and killed in the following June and July 12,920 seals, out of which 7,733 were self-confessed yearling seals—self-confessed by his own agent, Lembkey. (See Hearing No. 9, pp. 434, 435, 436–442, 443, Apr. 13, 1913; H. Com. Exp. Dept. C. & L.)



In conclusion, and cumulative proof of this charge against Charles Nagel as above made May 18, 1910, is the following letter of United States Senator Dixon, chairman of the Committee on Conservation of National Resources, United States Senate, who exposes the fact that he has been deceived by Charles Nagel with regard to this very subject of Dr. Hornaday's letter of above quotation, to wit:

UNITED STATES SENATE,  
COMMITTEE ON CONSERVATION OF NATIONAL RESOURCES,  
May 23, 1910.

MY DEAR DR. HORNADAY: I had a personal talk with Secretary Nagel the other day regarding the matter of killing some of the male seals, and after he had explained to me the circumstances, I felt better contented. I think you can rest assured that the killing will only be to make a show, with the understanding that this move is done at the instance and request of the State Department, in order to cover certain phases of the international treaty negotiations, which Secretary Nagel says are now pending. I wish I could quote you some of his statements made, but he says that the understanding between Knox and himself is thorough regarding the matter, and he feels positive that he is pursuing the right source at this special time.

I do not believe, from his statement, that any great number of seals will be killed, and that as soon as the pending negotiations are settled the policy of killing will be reversed.

Yours, very truly,

JOS. M. DIXON.

Dr. W. T. HORBADAY,  
2969 Decatur Avenue,  
Bedford Park, N. Y.

This letter of Dixon to Hornaday shows that Nagel had deliberately deceived Senator Dixon as to his intended purpose of violating the close time in 1910, which he had promised the Senate Committee on Conservation of National Resources March 22, 1910, he could order for the season right ahead, and for which close time he received \$50,000 from the committee to support the natives during the year in that idleness which would follow.

Dr. HORNADAY. The same date; that is to say, in the hearing of March 22, 1910 [reading]:

"Present: Senators Dixon (Chairman), Dick, Jones, Briggs, Dillingham, Guggenheim, Heyburn, Dolliver, Clark of Wyoming, Bankhead, Overman, and Smith of South Carolina.

"Hon. Charles Nagel, Secretary of the Department of Commerce and Labor; Solicitor Charles Earl; George M. Bowers, Commissioner of the Bureau of Fisheries; Dr. B. W. Everham, of the Bureau of Fisheries; Walter I. Lembkey, agent of the seal fisheries; and Dr. W. T. Hornaday appeared."

The first appropriation asked for by Mr. Nagel, with which to carry out the terms of the bill which he had drafted, was \$100,000. That sum was to be used chiefly in buying the properties and paraphernalia of the outgoing North American Commercial Co., in order that with that paraphernalia the business of killing seals could be continued.

In behalf of the Camp Fire Club I called attention to the fact that it was desirous that the killing should cease for a time, and there should be a closed season, which we demanded should be 10 years. That matter was discussed, and it was tacitly agreed upon by members of that committee that there should be a closed season, and that is what prompted Senator Dixon to use the expression that he did. Then, said Mr. Lembkey, "Gentlemen, if there is to be a closed season, we must have more money; we must have money with which to support those natives during their idle period." I will read to you the words that I wrote down at the time:

"Well, gentlemen, if seal killing has to stop, we will have to have a larger appropriation in order to support those 300 natives, whose wages will stop."

Mr. TOWNSEND. You are quoting Mr. Lembkey now?

Dr. HORNADAY. Yes, sir. On being asked how much more he thought would be necessary he said, "We will need about \$50,000 more," and that amount was agreed to then and there, for the purpose of supporting those idle natives whose wages would stop.



Mr. TOWNSEND. That is the explanation Senator Dixon gave to Senator Hale when the bill came in with \$150,000?

Dr. HORNADAY. Precisely, and that is a matter of record in the records of Congress. Now, if that does not prove an understanding that seal killing should stop, then the English language is absolutely worthless.

Mr. SEYMOUR. And the \$50,000 was appropriated?

Dr. HORNADAY. The \$50,000 was appropriated, and Secretary Nagel sat there and accepted it.

Mr. SEYMOUR. For the express purpose of taking care of the Indians during the closed season?

Dr. HORNADAY. Precisely, and for no other purpose.

Mr. SEYMOUR. And Secretary Nagel heard it and understood it and agreed to it, did he?

Dr. HORNADAY. He did, and he has the money now, undoubtedly.

Mr. TOWNSEND. This debate that you introduced in your testimony, covering explanations by Senator Dixon to Senator Hale as to why this \$50,000 in addition was granted, you took from the Congressional Record?

Dr. HORNADAY. Certainly, and from no other source. I clipped pages from the Record itself. I did not quote it. (Hearing No. 6, pp. 267, 268, July 27, 1911: H. Com. Exp. Dept. C. and L.)

Secretary Charles Nagel had full knowledge of the fact that on March 9-10, 1904, the Department of Commerce and Labor pledged itself to the Ways and Means Committee not to allow any seals killed on the Pribilof Islands "under 2 years of age," and this pledge was also given to the Senate subcommittee in charge of Alaskan Affairs. (Gov. Dillingham, chairman, on Mar. 8, 1904.)

Mr. Frank H. Hitchcock appeared before the Ways and Means Committee on March 9, 1904, and said that he had been sent to represent the Secretary of Commerce and Labor, and to make the following proposal to the committee. On page 35, Hearings on Fur Seals, Ways and Means Committee, Fifth-eighth Congress, second session, on House Joint Resolution 124, appears the following:

Page 35:

Mr. HITCHCOCK. First of all we propose to limit still further the ages at which seals can be taken. We will prohibit altogether the killing of seals under 2 years of age. We will also prohibit the killing of seals above 4 years of age. Killing will thus be restricted to seals between 2 and 4 years old.

Page 36:

Mr. WILLIAMS of Mississippi. You propose to forbid the killing of seals under 2 years old?

Mr. HITCHCOCK. Yes.

Mr. WILLIAMS. At 2 years of age that is the very time you can tell the difference between the bull and the cow. In other words, if you kill nothing under 2 years old there should be no reasonable excuse for a mistake in that respect?

Mr. HITCHCOCK. You are quite right; that is the point. The great objection to the killing of these small seals, and I take it the only objection, is the difficulty in distinguishing the males from the females.

On July 28, 1910, Secretary Charles Nagel received from the Bureau of Fisheries a marked copy of the above hearing, and sends that notice of this reception to the House Committee on Expenditures in the Department of Commerce and Labor, June 24, 1911, see page 987, Appendix A, and the following published charges had also been sent to Secretary Nagel as early as June 26, 1909, to wit:

MEMORANDUM FOR HON. CHAS. NAGEL.

With special regard for the subject of my letter to you of April 26th instant, I have published the following to-day, for which I have the complete warrant and proof in hand.

HENRY W. ELLIOTT,  
17 Grace Avenue, Lakewood, Ohio.

JUNE 26, 1909.

## 236 INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

CHARGES MADE ARE RECORDS—PROF. ELLIOTT DECLARES THEY ARE NOT PERSONAL WITH HIM—INVOLVE QUESTION OF SEAL SLAUGHTER—WHY HE TAKES MATTER UP WITH THE ATTORNEY GENERAL.

"Those are not my charges," said Prof. Henry W. Elliott, when questioned Saturday by the News concerning the letter he sent to Attorney General Wickersham, and which was published in the News Friday.

"The charges are statements of official record and sworn affidavits in the files of the State and Treasury Departments which convict and order the punishment of those men. I have merely made an arrangement of them, so that they become at once intelligible and indisputable in their showing," replied Elliott. "I found that these men had gotten into complete control of the officialism which succeeded John Hay in the Department of State, and I had no other way at my command of removing them than this one of showing them up."

### ASKED BURTON TO HELP.

"You say that mutual friends of President Roosevelt and yourself assured you that the former would surely act on this showing of yours. Do you mind telling who these friends were?"

"No, I do not object; and I will tell if you press the question: It is a natural one, because so many have asked me why Mr. Burton has not insisted on this being done, which I now urge upon the Attorney General. Mr. Burton did try to get Secretary Root to make a date on which to meet with him and myself, in the State Department: this attempt was made by Mr. Burton on March 6, 1907. Root peremptorily refused to do so. Mr. Burton was very much surprised, and when he reported that refusal to me, I at once told him why Root did not meet us in his (Burton's) presence. Root knew I would bring these matters up."

"What is the particular offense of those men whom you desire the Attorney General to proceed against and punish?"

"Those men are the men who, in 1890-91, seduced Mr. Blaine from the path of his plain duty in the premises; and that lapse on his part cost us that fiasco at Paris which resulted in the award of the Bering Sea tribunal; that award put the fur seal herd of Alaska into the hands of the land and sea butchers of it completely; just what it was not supposed to do, by the people, and not intended to be; that result has cost us the loss of over 5,000,000 of fur seals—a property loss of over \$30,000,000 up to date, and still this question is unsettled. Now yet, and worse, it has inflicted the most indecent and cruel killing of those seals that has ever been licensed by a civilized government; all this sin and shame fairly fastened on us by those men. Do you wonder why I want them punished?"

### WHY HE DIDN'T GO.

"Couldn't Senator Burton have gone to see President Roosevelt?"

"Yes, and, no; necessarily there is a distinct line drawn between the legislative and executive officers of our Government; a Senator or a Congressman has no right to go down to the office of a Cabinet member and personally order business; and no Cabinet officer has the right to go up to a committee in Congress and personally lobby or promote his business there. True, some Senators and certain Congressmen and certain Cabinet officers do violate this proper rule; but Mr. Burton would not. *Mr. Burton understands that I am right in this Alaskan fur seal business; he has frankly admitted it, and he has explained to my complete satisfaction why he thought it would be useless on his part to try and get Roosevelt to act.* Mr. Cassidy and Mr. Howland both so understand it now, as they would have understood it then," replied Mr. Elliott.

"Then you believe that these men can be punished on that evidence which you ask the Attorney General to order out of the Ways and Means Committee?"

"There is not a shadow of doubt of it. Why has it been suppressed if that fact of its power to convict those men was not well known to certain men close to President Roosevelt?" said the professor. (Evening News, Cleveland, Ohio, June 26, 1909.)

RECAPITULATION OF THE PROOF OF GUILTY KNOWLEDGE OF CHARLES NAGEL IN RE KILLING YEARLING SEALS IN VIOLATION OF LAW AND THE REGULATIONS.

[See Exhibit III for details.]

*April 26, 1909.*—Henry W. Elliott gives Secretary Charles Nagel specific details of the killing of yearling seals by the agents of the Government on the seal islands of Alaska. He urges Nagel to stop it and punish the lessees for this criminal trespass. (See pp. 74, 75, Dixon Hearings, Rothermel letter, May 20, 1911.)

*May 7, 1909.*—Secretary Nagel appoints George A. Clark as a special investigator and sends him to the seal islands to report upon the truth of Elliott's charges in re killing yearling seals. (See pp. 819-820, Appendix A, June 24, 1911.)

*September 30, 1909.*—George A. Clark reports that Lembkey has killed yearling seals during this season of 1909 and in past seasons. October 8, Nagel receives this report, and on October 9 he turns it over to Lembkey. *It is suppressed.* (See pp. 850, 851, Appendix A, June 24, 1911.)

*May 9, 1910.*—With this proof of the truth of Elliott's charges of April 26, 1909, in his hands, furnished by his own agent, Clark, Nagel to-day again sends Lembkey to the islands to kill seals just as he had done in 1909. Lembkey kills 12,920 seals in June and July, 1910. On April 13, 1912, he confesses to House Committee on Expenditures in the Department of Commerce and Labor that 7,733 of them were yearlings. (See pp. 485, Hearing No. 10.)

*February 4, 1911–May 31, 1911.*—Secretary Charles Nagel attends sessions of the United States Senate Committee on Conservation of Natural Resources and of the House Committee on Expenditures in the Department of Commerce and Labor, and his agents admit that Lembkey has again been sent with orders to kill in 1911 just as he had killed in 1910. And they enter a studied and emphatic denial on February 4, 1911, and June 9, 1911, that they have ever killed any yearling seals. (See pp. 82, Hearing No. 20, p. 360, Hearing No. 9, pp. 434-444, Hearing No. 9.)

*December 15, 1911.*—The London sales records show that 12,002 Pribilof Island fur sealskins were sold to-day, taken last June and July (1911), by Nagel, Bowers, and Lembkey; that 6,247 of these skins were less than 34 inches long and were thus yearling skins. (See pp. 731-733, Hearing No. 12.)

The guilty knowledge of George M. Bowers, who stated June 9, 1911, under oath, that the fur sealskins are classified and sold by weights in London, said statement being a falsehood and made to deceive the committee, and so confessed by his confederate, Chief Special Agent Lembkey April 13, 1912, under oath, to the committee, to wit:

MR. BOWERS. Mr. Chairman, may I add one word? In Mr. Elliott's statement it appears that "In 1873, early in June, Dr. McIntyre returned to the seal islands with this classification, by measurement, of his Pribilof skins in London." Those measurements are shown in the monograph—measurements and weights—prepared in those days by Mr. Elliott, and in that monograph a yearling skin, a large yearling, if I quote the language correctly, is presumed to weigh  $4\frac{1}{2}$  pounds, and he shows the weight each year of the skins from that up to  $7\frac{1}{2}$  and 8, or more. I do not know how to tell the age of a sealskin—that is, the exact and correct age to the day or month—any more than a farmer could tell the age of some other fellow's pig if he were not

present at the time the pig came into existence, and I can only base the correctness of these weights upon the evidence that was submitted by Mr. Elliott and his monograph.

Mr. TOWNSEND. Mr. Commissioner, will you proceed and read the weights of the kill of 1910, as certified by Mr. Lembkey?

Mr. BOWERS. I have both the weights on the islands and the weights in London.

Mr. TOWNSEND. I will examine you now as to the killing of seals after the expiration of this lease and when the killing was made, as it has been called here by the Government. The report shows that in the year 1910, 12,920 seals were killed, and the evidence before the committee is that of those 8,000 were yearlings.

Mr. BOWERS. Well, that evidence is false.

Mr. TOWNSEND. That is your answer to that, is it?

Mr. BOWERS. Yes, sir. Here are the weights on the basis, you understand, that a 4½-pound skin is a yearling. There are the weights for 1909, the island weights and the London weights. I think, probably, you will find one skin weighing less than 4½ pounds. (Hearing No. 3, pp. 129, 130.)

C. M. LAMPSON & Co.,  
London, November 19, 1910.

*Assortment of Alaska salted fur sealskins for account of United States Government,  
Department of Commerce and Labor.*

[New York, Ck, 1/228.]

	Lbs.	Ozs.
78 smalls.....	7	15
713 large pups.....	7	12
3,032 middling pups.....	6	7
4,899 small pups.....	5	12
1,266 ex. small pups.....	5	5
11 ex. ex. small pups.....	4	10
33 smalls, low.....	7	11
135 large pups, low.....	6	9
498 middling pups, low.....	6	1
501 small pups, low.....	5	9
88 ex. small pups, low.....	5	0
10 small, cut.....	7	2
71 large pups, cut.....	6	13
238 middling pups, cut.....	6	2
421 small pups, cut.....	5	6
81 ex. small pups, cut.....	4	15
6 small, rubbed.....	7	0
55 large pups, rubbed.....	6	14
195 middling pups, rubbed.....	6	6
290 small pups, rubbed.....	5	11
75 ex. small pups, rubbed.....	5	3
36 faulty.		

12,732 average based on December, 1909, prices 144/.

5 small.  
21 large pups.  
48 middling pups.  
94 small pups.  
18 ex. small pups.  
2 faulty.

188 average based on December, 1909, prices 120/.

12,920

Subject to recount.

Mr. PATTON. You mean it is a report that is sworn to by the people who do the selling in London?

Mr. BOWERS. No, sir; it is the classification of the London merchants who sell the skins for the United States Government.

Mr. PATTON. And they pay on that weight?

Mr. BOWERS. They sell on those weights. Their classification is made on those weights.

Mr. ELLIOTT. Right there I want to interpose the statement that they do not weigh those skins to classify them. They measure them. (Hearing No. 6, p. 291.)

In this distinct and positive statement the United States Commissioner of Fisheries tells the committee that the London classification of its 12,920 fur-seal skins, which have been taken on the seal islands during its season of 1910 and sold in London December 16, 1910—that this classification is done there by the weights of the skins.

He does this in full personal knowledge of the fact that those London agents have classified those skins by measurement, so as to get at their size; that the buyers care nothing for the weight of the salt cured skins—they are buying the skins according to their size.

That he made this statement to the committee for the purpose of deceiving them, and that he knew better, for he had personally attended the classification and selling of those skins in London December 16, 1910, is attested by his own official record, as follows:

[Appendix A, p. 1009.]

LONDON, December 16, 1910.

HON. CHARLES NAGEL,

*Secretary of Commerce and Labor, Washington, D. C.*

MY DEAR MR. SECRETARY: I have just wired you the total results of the fur-seal-skin sale which has just taken place:

"Conditions considered, have had a remarkably successful sale. Total amount, 89,424 pounds."

When we take into consideration the average grading of the skins as compared with last year, there is a loss of only about 3 per cent.

I am inclosing you a copy of the advertisements for the year 1909 as well as for 1910. I think it is well to have these for office reference. I had hoped for a larger amount, but, after conference with the fur dealers of London, was prepared to receive 10 per cent or even 15 per cent less than last year's prices, and I think, as I have said above, that we had a very successful sale.

I leave the latter part of the week for Germany and will go direct to Bad Nauheim. I regret to say that my condition has not improved.

Wishing you and yours a merry Christmas and a happy and prosperous New Year, I am, with renewed assurances of my highest personal esteem and regard,

Very truly, yours,

GEO. M. BOWERS.

Here he tells the Secretary that he has been busy with the buyers and that he had also been busy with the Lampsons, who did the classifying and selling of those small skins to the buyers aforesaid, as his own agents.

That a man of common sense and average ability should personally attend this sale as the representative of the Secretary of Commerce and Labor and then make that dogmatic statement of untruth in good faith as to the classification of the skins, as above, is simply unbelievable; he knew better; he never had a buyer tell him or his own agent tell him that untruth which he tells to the committee under oath.

In further proof of the personal understanding which Mr. Commissioner Bowers had of what ordered the conduct of the sale of those skins, the additional letters are submitted. It is fairly incredible to believe that a subject which affected the prices of his skins—the "grading" of them as he calls it, or the classification of them—was

not fully explained to him by his agent, the Lampsons, and those buyers, whom he speaks of, to wit:

[Appendix A, pp. 1009-1010.]

LONDON, December 16, 1910.

HON. CHARLES NAGEL,  
Secretary of Commerce and Labor,  
Washington, D. C., U. S. A.

MY DEAR MR. SECRETARY: Herewith inclosed you will find catalogues showing the prices received at the auction this day for the fur seals of Alaska and elsewhere, and when we take into consideration the number of skins offered for sale and the climatic as well as financial conditions, I think we have had, as far as our skins are concerned, an exceptionally good sale.

Lot No. 1 sold at a decline of 20 shillings as compared with last year—this gave me the blues. The second lot, 400 large pups, sold at a decline of 9 shillings; this of course was better, but when 6,200 small pups and extra small pups sold at a loss of 1 shilling as compared with last year, this very much improved the situation. Unfortunately our skins did not grade so well as heretofore. You will observe that the 664 skins of the North American Commercial Co. did not bring prices nearly so good as those gotten by the Government. You will further observe that the skins of the northwest coast sold at an average of at least  $7\frac{1}{2}$  per cent less as compared with the prices received by us, notwithstanding the fact that the skins of the northwest coast this year graded a little better than usual.

Under the terms of the sale a remittance by C. M. Lampson & Co. will be made on December 30. I shall leave London on the 19th, and my address for the next three weeks will be Hotel Kaiserhof, Bad Nauheim, Germany,

With assurances of personal esteem and regard, believe me,  
Sincerely,

GEO. M. BOWERS.

LONDON, December 19, 1910.

HON. CHARLES NAGEL,  
Secretary Commerce and Labor, Washington, D. C., U. S. A.

DEAR MR. SECRETARY: Herewith inclosed you will find several statements for record in the department, one showing the number of skins sold, the prices realized for each lot, and the average weight of the skins; then another statement showing by whom purchased. I also inclose a report showing the prices received for all other skins sold, with last year's prices, for the purpose of comparison; also a statement issued by C. M. Lampson & Co., as well as two other statements, one by Phillips, Pollitzer & Co., and the other by Blatspiel, Staup & Haycock, the principal London buyers of the Alaskans. These reports will show the situation so far as London and the Continent are concerned. It pleases me to state that the gross proceeds from the sale for the 12,920 skins is £89,624 16s., an advance of £200 more than the amount given in my cablegram. The amounts received, as shown in this report, differ some little from the statement I sent you some days ago, but on the whole our Government gains an additional £200.

Your cablegram of congratulations was greatly appreciated, and I feel much relieved after a hard year's arduous labor. I leave for Berlin to-night, and will proceed from there to Bad Neuheim immediately after Christmas and make a strenuous endeavor to recuperate, or, in other words, to recover my health.

With the compliments of the season, believe me,  
Sincerely,

GEO. M. BOWERS.

P. S.—In a personal letter to Mr. Cable I stated I would send him a list of purchasers. This is found in a catalogue which I have marked "Document 4." My address will be Hotel Kaiserhof, Bad Neuheim.

That Mr. Commissioner Bowers knew better, that he had full knowledge of the fact that those skins had been classified by measurement in London, is given below by the sworn admission of his own agent, W. I. Lembkey.

Mr. YOUNG. Let me before you pass from that ask this: You weigh these green skins on the islands, and then measure them in the markets in London. What is your purpose in weighing, and what is their purpose in measuring?



Mr. LEMBKEY. Our purpose in weighing the skins on the island is to get them within the weights prescribed by the regulations. Our regulations prescribe maximum and minimum weights. These weights are 5 pounds—

Mr. YOUNG. Does that relate to the question of age?

Mr. LEMBKEY. Five pounds and eight and one-half pounds.

Mr. YOUNG. Passing from the weight, in London what is the determining purpose in measuring?

Mr. LEMBKEY. They measure them, I fancy—

Mr. YOUNG. Are they trying to arrive at the question of age, too?

Mr. LEMBKEY. They are trying to get the size of the skin or the amount of fur on the animal.

Mr. YOUNG. They care nothing about the question of age there?

Mr. LEMBKEY. Nothing at all.

Mr. YOUNG. That is all I care to ask. (Hearing No. 9, pp. 448, 449.)

\* \* \* \* \*

Mr. BOWERS. Mr. Lembkey is not a member of the advisory board, but is a member of the fur-seal board.

Mr. ELLIOTT. We want that distinctly understood. We want to find out where he comes in, and where to put the responsibility. Is not Mr. Lembkey responsible for anything? Did he not get his orders from you?

Mr. BOWERS. He did, under those instructions.

Mr. ELLIOTT. Does he not get his orders from that advisory board, through you? (Hearing No. 2, pp. 116-117.)

Mr. BOWERS. He gets his orders from me as approved by the Secretary.

Mr. ELLIOTT. And he is bound by them?

Mr. BOWERS. He is.

Mr. ELLIOTT. Then, Mr. Chairman, I want Mr. Bowers to explain right here why Mr. Lembkey, introduced by Secretary Nagel, said on February 4 last, at a hearing of the conservation committee of the United States, on page 10, in answer to this question:

"The CHAIRMAN. How many did you kill last year?"

"Mr. LEMBKEY. We killed 12,920.

"Q. What was the youngest seal you killed; what age?"

Mr. BOWERS. Where is that?

Mr. ELLIOTT. I hope you will get that. I want Mr. Bowers to get these questions. Nothing would please me less than to appear as a prosecutor here, because I am not. I want to get at the facts. On page 10 the chairman of this Senate committee asked certain questions of Mr. Lembkey. Mr. Lembkey is introduced to that committee by Secretary Nagel as the responsible agent of the Department of Commerce and Labor to speak for him; and for you, of course.

"The CHAIRMAN. How many did you kill last year?"

"Mr. LEMBKEY. We killed 12,920.

"Q. What was the youngest seal you killed; what age?"

"A. Two years old."

There we have the official statement of the Department of Commerce and Labor, without doubt or equivocation, without any question of law or anything, given to the Senate committee, that they had killed none of those seals, 12,920, under 2 years of age. Are you ready to certify to that statement here before this committee?

Mr. BOWERS. That is Mr. Lembkey's statement.

Mr. ELLIOTT. No; but, my dear sir, he is your agent. I want you to certify to it.

Mr. CABLE. Do you want him to certify to it, or are you asking whether he does?

Mr. ELLIOTT. Excuse me if I am arguing, but I want to get at the responsibility for this statement. If Mr. Lembkey is irresponsible, why was he brought up there? If he is responsible, why are you evading the responsibility?

Mr. BOWERS. I am not evading anything; I want that distinctly understood.

Mr. ELLIOTT. Then you certify to that statement?

Mr. BOWERS. I do not have to certify to any statement made by another man. That is his statement. That is the statement as it comes to the Bureau of Fisheries from the officials. That is an official record as it comes to me.

We now come into the immediate relation of the United States Bureau of Fisheries to this fur-seal business of the Government. When Dr. Jordan and his associated scientists, Stejneger, Lucas, and Townsend finished their work of completely approving the most rigorous and injurious driving and close killing of the seals by the lessees, they then published, in 1898, this approval in their final report on fur-seal investigations; the lessees then determined to have a



continuation of such "scientific" indorsement. Prior to this the naturalists, generally, had secured the insertion of a clause in an appropriation bill as early as March 3, 1893 (27 Stat., 583), which reads as follows:

The Commissioner of Fish and Fisheries is authorized and required to investigate under the direction of the Secretary of the Treasury, and when so requested report annually to him regarding the conditions of seal life upon the rookeries of the Pribilof Islands; and he is also directed to continue the inquiries relative to the life history and migrations of the fur seals frequenting the waters of Bering Sea.

This caused the sending of several naturalists to the islands in 1894 and 1895 on that errand. The lessees had not found any of them at all troublesome, and when Dr. Jordan closed his initial service to them in 1897 as a scientist, they resolved to have no succeeding naturalist get up there who might not be as tractable.

So, the astute and active lessee, United States Senator Elkins, in the full determination to have a man at the head of this Bureau of Fisheries on whom he could rely, secured the appointment and the confirmation of one George M. Bowers, as United States Commissioner of Fisheries, in February, 1898.

Here was a man notoriously ignorant of every detail of this office, and yet selected and confirmed in spite of the law which declares that he "must be learned as a fish culturist," and "an educated scientist"—just because lessee Elkins wanted it done for this personal reason. And that man Bowers came before the House committee with a pitiful attempt to tell them that Elkins did not order his appointment and confirmation, to wit:

MR. BOWERS. I never asked a single man in the United States to indorse me for the Commissionership of Fisheries.

MR. TOWNSEND. If you will impart information to this committee as to how to secure such good positions without indorsements, it will be interesting.

MR. BOWERS. I had the indorsements for the collectorship of Senator Elkins and then—

MR. TOWNSEND (interposing). That is all right. Now, we will go on from that point. Senator Elkins, at the time he indorsed you for that office, and when he found—

MR. BOWERS (interposing). Not for that office; he did not indorse me for the collectorship at all.

MR. TOWNSEND. Did he indorse you for this position of Commissioner of Fisheries?

MR. BOWERS. I presume he did, as did the entire West Virginia delegation, as well as ex-Senator Faulkner, at that time a member of the Senate.

MR. TOWNSEND. I have no doubt they were perfectly justified in doing so, because you have the reputation of being a very skillful and useful man, and there is no reflection implied in this question. I am simply trying to get before the committee whom your political backers were.

MR. BOWERS. Well, Senator Elkins and I were warm friends.

MR. TOWNSEND. And he was at that time a stockholder, was he not, in the company that had the contract for the seal killing?

MR. BOWERS. I was not aware of that, sir, and I am not to-day. And I never heard that Senator Elkins held an interest in the seal contract until I was told so on the islands in 1906.

MR. McDERMOTT. What did they say to you at that time?

MR. BOWERS. I was told by one of the employees of the North American Commercial Co., when I was there with Mr. Sims, that "your Senator from West Virginia is a stockholder in this company."

MR. TOWNSEND. That was before the transfer was made to your department that you became aware of that?

MR. BOWERS. Well, I was told that at that time.

MR. TOWNSEND. Now, that is satisfactory. You took charge of the affairs of this contract something like 15 or 16 months before the expiration of the contract, did you not?

MR. BOWERS. Yes; something like that. (Hearing No. 2, pp. 70, 71, June 9, 1911. H. Com. Exp. Dept. Com. & Labor.)

By getting their own man into this office, armed with that "duty" and authority of making "scientific" studies of that herd, and of the lessees' work annually, it became easy for Mr. Senator Elkins and Mr. D. O. Mills to control that arm of inquiry, and report. Then, with that "scientific" control on the one hand, with the control of the civil agents on the other, the lessees had nothing to concern themselves about over reports that might be annually filed in the Treasury Department, or in the Bureau of Fisheries.

The results that followed amply paid them for their trouble in getting this unfit man Bowers installed. They kept him there, too, in spite of protests and proof of his unfitness piled mountain high.

The lessees also had another object in sight, and Bowers was the man to reach it for them. They knew that they would have great opposition to a renewal of their lease in 1910, so they banked upon Bowers in this office as being able to secure that renewal for them.

In order that Bowers should not be hampered, they persuaded Theodore Roosevelt and Oscar Straus to put all of the details of this fur seal business into Bowers's control by an Executive order dated December 28, 1908, as follows, to wit.

DECEMBER 28, 1908.

*To the Commissioner of Fisheries, the agents charged with the management of the seal fisheries in Alaska, and others concerned:*

By virtue of the authority vested in me by the Revised Statutes of the United States, sections 1973 and 161, and by the organic act creating this department, approved February 14, 1903, it is hereby ordered that, subject to the direction of the head of the department, the Commissioner of Fisheries shall be charged with the general management, supervision and control of the execution, enforcement, and administration of the laws relating to the fur-seal fisheries of Alaska; that the agents charged with the management of the seal fisheries of Alaska, together with such other persons in the employ of the department as may hereafter be engaged in the execution of the said laws, shall be subject to the immediate jurisdiction and control of the Commissioner of Fisheries, and shall, in addition to the duties required of them by law, perform such other duties as he may, with the approval of the Secretary of Commerce and Labor, prescribe; that the appropriations for "Salaries, agents at seal fisheries in Alaska," 1908 and 1909, "Salaries and traveling expenses of agents at seal fisheries in Alaska," 1908 and 1909, and "Supplies for native inhabitants, Alaska," 1908 and 1909, shall be expended under the immediate direction of the Commissioner of Fisheries, subject to the supervision of the Secretary; and that all records, papers, files, printed documents and other property in the department appertaining to the fur-seal fisheries of Alaska shall be transferred from their present custody to the custody of the Bureau of Fisheries.

OSCAR S. STRAUS, *Secretary*.

The story of how United States Commissioner of Fisheries, George M. Bowers, used every arm of his office to secure a renewal of this lease for his patrons, is one of the most remarkable exhibitions, self-confessed, of arrogant, official malfeasance that has ever been put into sworn testimony; and how he failed is equally interesting. It is all set forth in Hearing No. 3 (pp. 147-162, July 6, 1911, H. Com. Exp. Dept. Com. & Labor). A brief excerpt of this amazing testimony is given below:

MR. ELLIOTT. And I want Mr. Bowers to pay some attention to this, because this is important, at least some good lawyers have told me that it is very important to him—

"Being an official letter covering a 'memorandum' addressed to George M. Bowers, commissioner, urging him to take steps to prevent the passage of the Dixon fur-seal resolutions introduced in the United States Senate by Senator Joseph M. Dixon. (S. Res. 90, '91, 92.)

## 244 INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

"December 7, 1909. This letter from the 'bureau,' dated December 16, 1909, and signed by Barton W. Everman, urges Bowers to send agents to New York, there to 'educate' the Camp Fire Club and induce them to agree to the 'bureau's idea of renewing the lease,' as follows:

"EXHIBIT No. 6.

"DEPARTMENT OF COMMERCE AND LABOR,  
"BUREAU OF FISHERIES,  
"Washington, December 16, 1909.

"THE COMMISSIONER:

"The Washington Star of December 10 last announced that the Camp Fire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

"As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Camp Fire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau <sup>1</sup>

"The attached letter is prepared, having in view the object stated.

"BARTON W. EVERMANN.

"Exhibit No. 7. Being the official letter of 'George M. Bowers, commissioner,' to Secretary Commerce and Labor, dated February 8, 1910, inclosing copies of three letters, all urging renewal of the seal lease and giving the reasons of the writers for such renewal, to wit, H. H. Taylor, president N. A. C. Co. (lessees), dated January 27, 1910; C. H. Townsend, for 'fur seal advisory board,' dated January 31, 1910. Alfred Fraser, London agent for the N. A. C. Co. (lessees), January 28, 1910, as follows:

X. When Cleveland replaced Harrison, March 4, 1893, it became necessary to put a Democrat in the place of chief special agent in charge of the seal islands, Joseph Stanley-Brown.

So Joseph B. Crowley was appointed chief; First Assistant Agent Murray, Republican, was dropped for James Judge, a Democrat; but the lessees were careful of their man, Murray. They had him made a salmon fishing inspector for Alaska, without a moment's loss of time.

Then when McKinley came in, March 4, 1897, it was in turn necessary to drop Crowley, Democrat, and back came the subservient Murray to the office of chief special agent.

Murray died in Colorado October, 1898, and was succeeded by John M. Morton, who was as subservient in turn as Murray had been. Morton died on St. Pauls Island July, 1900, and he was succeeded by one W. J. Lembkey, as chief, who has been equally subservient to the

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<sup>1</sup> COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
Friday, June 9, 1911.

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

### TESTIMONY OF MR. GEORGE M. BOWERS, COMMISSIONER OF FISHERIES.

MR. BOWERS. No new lease was made, but the killing was done under governmental supervision.

MR. TOWNSEND. You will be questioned about that later. After the first suggestion of this bill you know of no efforts that were made to delay the passage of that legislation?

MR. BOWERS. I know of no effort that was made to delay the passage of that legislation.

MR. TOWNSEND. And if any evidence should be introduced to the contrary, it would surprise you?

MR. BOWERS. So far as I am concerned it would, yes; and as far as I am concerned it would the Bureau of Fisheries and the department. (Investigation of fur-seal industry of Alaska, p. 73.)

seal contractors, and has been steadily in office as such ever since, up to August 1, 1913. We will later have to consider Lembkey again.

But this selection and appointment of these Government agents by the lessees is not all that those contractors have had to do in the premises; it was not enough; so they have had that particular "back-room" officialism in the Treasury Department, which is the direct and immediate annex to the Secretary's office; also in their control and hire, because it was necessary that the reports and work of these resident seal-island agents be insured of a friendly interpretation and official reception in the United States Treasury Department, so that whenever any "impertinent" or pertinent questions were asked of the Secretary as to the conduct of the lessees or the public business on the islands, either by citizens or by Congress, no "official" blunder as to a proper answer would be made; it has been managed as follows:

A standing order of the department put this seal island business, reports, etc., all in the care of the "chief special agent in charge of the islands"; the then "assistant agents" were all ordered to report to him; he then used his discretion as to how much or how little of these reports he was to use or forward to the department; then, when this report of the chief special agent in charge of the seal islands was sent to the Treasury Department it was received and filed in the "office of the chief special supervising agent"; to this man the Secretary of the Treasury looked for all the official information and advice he had at his command; and from this man the Secretary always received the draft of that part of his annual report to Congress which related to the seal islands of Alaska.

Therefore, the importance to the lessees of having such a man in their control is easy to understand; they got him. When Special Agent Elliott came down from his investigation into the condition of affairs on the islands, September 7, 1890, he found that a man named A. K. Tingle was this "chief supervising special agent." He was a cousin of George R. Tingle, the superintendent of the lessees, and "general manager" on the islands. Of course Elliott found him "deeply interested," but, in favor of the public interests? Not at all.

Then when Cleveland came in, a "Democrat" was put in Tingle's place, and he (Tingle) went into the hire of the Sugar Trust. When Cleveland went out, of course, a "Republican" had to come back into this "office" of "chief supervising special agent," and one W. S. Chance, a docile tool of the lessees, took that place. Elliott calls him a "tool," with all of the proof of that fact in his hands.

With this official machinery in their hands, and in complete control of it, the lessees have actually written every annual report of the Secretary of the Treasury to Congress on the condition of this fur-seal herd, and their own conduct, since 1890, up to the hour that this business went to the Department of Commerce and Labor, July 1, 1903.

XI. We pass now from the "divided" control of the lessees to the single control of the U. S. Bureau of Fisheries. Do we find any improvement? No, if anything, it became quite as bad; fully as much so.

The moment the renewal of the lease was defeated, March, 1910, and the lessees put out of business, these scientists of the Bureau of Fisheries resolved to have the sealskin business continued just the

same, only they would do it themselves. The work of slaughtering seals in 1910 was, therefore, taken up and pushed as hard, and close by them on the islands, as it had been by the greedy lessees in 1909.

Vigorous protests were made Secretary Nagel by good citizens, but without the least avail. He had determined to continue the "benevolent" killing by the lessees, so as to appear "regular" in his indorsement of that injurious work when backing those butchers during the lease. He stimulated Dr. Jordan and his old "scientific" authorities who had shielded that illegal work of the lessees since 1896 to again come forward and deny this improper killing and vouch for its continuation in 1910 and 1911, under United States Commissioner Bowers's and Mr. Lembkey's direction, as being done wholly right in every respect.

The proclamations by Jordan and his subordinate scientists, were used by Secretary Nagel as his righteous, sensible warrant for killing "small" seals; that "it was necessary for the good of the herd," etc.

This stirred up an investigation into that killing, by order of Congress in May, 1911, and the following salient evidence of an organized attempt to deceive the Committee on Expenditures in the Department of Commerce and Labor by the scientists associated with the bureau, and Dr. Jordan's commission, known as the "advisory board," was quickly exhibited.

*This attempt to deceive the committee was made with reference to—*

*First.* The regulations of the department governing the taking of seals and their skins.

*Second.* The classification of these skins when taken.

*Third.* The behavior of breeding fur-seal bulls.

1. With regard to the law and regulations which governed the taking of fur seals on the islands, the Bureau of Fisheries prepared an elaborate statement, and presented it under oath to the committee, and in that statement made the following distinct, and specific false, and improper denial of the "Carlisle rules" issued May 14, 1896, and quoted above under Section VI, to wit:

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
Friday, April 19, 1912.

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Representatives McDermott, Young, McGuire, and Patton.

Testimony of Barton W. Evermann.

The witness was sworn by the chairman.

The CHAIRMAN. Doctor, you may state your official position.

Dr. EVERMANN. My official position is assistant in charge of the Alaska fisheries service, in the Bureau of Fisheries, Department of Commerce and Labor.

The CHAIRMAN. Now, if you desire, you may proceed to submit whatever facts you have for the consideration of the committee.

Dr. EVERMANN. \* \* \*

2. The second charge is that at least 128,478 yearling male seals were killed by the lessee from 1890 to 1909, both inclusive, contrary to law and the regulations.

In answer to this charge it should be sufficient to say that the law has never made it illegal to kill yearling male seals; nor has it ever been contrary to the regulations to kill yearling male seals, except in the seasons of 1904 and 1905, as is shown by the regulations for the various years to which I have called your attention. Therefore, even if 128,478 yearling male seals have been killed since 1899 (which is not admitted) they could not have been killed illegally, because there was no law against killing yearling male seals, and there has been no regulation against killing yearling male seals, except in 1904 to 1909.

The fact that the "Carlisle rules" prohibiting the killing of yearlings in distinct terms, were issued May 14, 1896, and duly published and recorded on the Seal Islands is here vainly denied, and concealed from the committee in a carefully written statement prepared by the Bureau of Fisheries, and given to it under oath; and, the fact that those orders of Secretary Carlisle have never been amended or revised until the "Hitchcock rules" of 1904 were ordered, is also concealed from the committee by that false statement.

2. With regard to the classification of these fur-seal skins when taken on the islands, and then shipped to London for sale, there, the Bureau of Fisheries made a series of statements when first before the committee which were found later to be entirely false, and which said Fisheries Bureau had to admit were such.

When the question was first directly put to George M. Bowers, United States Commissioner of Fisheries, as to how these skins taken under his orders on the Seal Islands, were classified, so as to show their sizes and ages in London, he said (Hearing No. 3, p. 128, June 28, 1911, Ho. Com. Exp. Dept. Com. and Labor):

Mr. TOWNSEND. I will examine you now as to the killing of seals after the expiration of this lease and when the killing was made, as it has been called here by the Government. The report shows that in the year 1910, 12,920 seals were killed, and the evidence before the committee is that of those 8,000 were yearlings.

Mr. BOWERS. Well, that evidence is false.

Mr. TOWNSEND. That is your answer to that, is it?

Mr. BOWERS. Yes, sir. Here are the weights on the basis, you understand, that a 4½-pound skin is a yearling. There are the weights for 1909—the island weights and the London weights. I think probably you will find one skin weighing less than 4½ pounds.

C. M. LAMPSON & Co., London, 19th Nov., 1910.

*Assortment of Alaska salted fur sealskins for account of United States Government, Department of Commerce and Labor.*

[New York, Ck. 1/228.]

	Lbs.	Ozs.
78 smalls.....	7	15
713 large pups.....	7	2
3,032 middling pups.....	6	7
4,899 small pups.....	5	12
1,266 ex. small pups.....	5	5
11 ex. ex. small pups.....	4	10
33 smalls, low.....	7	11
135 large pups, low.....	6	9
498 middling pups, low.....	6	1
501 small pups, low.....	5	9
88 ex. small pups, low.....	5	0
10 small, cut.....	7	2
71 large pups, cut.....	6	13
238 middling pups, cut.....	6	2
421 small pups, cut.....	5	6
81 ex. small pups, cut.....	4	15
6 small, rubbed.....	7	0
55 large pups, rubbed.....	6	14
195 middling pups, rubbed.....	6	6
290 small pups, rubbed.....	5	11
75 ex. small pups, rubbed.....	5	3
36 faulty.....		

12,732 average based on December, 1909, prices 144/.



5 small.  
 21 large pups.  
 48 middling pups.  
 94 small pups.  
 18 ex. small pups.  
 2 faulty.

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188 average based on December, 1909, prices 120/.

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12,920

Subject to recount.

(Hearing No. 6, p. 291, July 27, 1911, Ho. Com. Exp. Dept. Com. and Labor.)

Mr. PATTON. You mean it is a report that is sworn to by the people who do the selling in London?

Mr. BOWERS. No, sir; it is the classification of the London merchants who sell the skins for the United States Government.

Mr. PATTON. And they pay on that weight?

Mr. BOWERS. They sell on those weights. Their classification is made on those weights.

Mr. ELLIOTT. Right there I want to interpose the statement that they do not weigh those skins to classify them. They measure them. (Hearing No. 9, pp. 374-375.)

Mr. LEMBKEY. These skins which were sent to London, during the years 1909 and 1910, were weighed by the factors after their arrival in London and the weights found to correspond with those taken on the island. As this factor, Lampson & Co., is essentially a disinterested person, being concerned not the least with the question of weights or regulations, but wholly with the sale of the skins and the payments therefor, their verification of these weights may be taken as conclusive of their accuracy.

So far, therefore, as concerns compliance with the regulations and the law in the killing of male seals, no malfeasance can be proven, because not only the records of the department but the weights of the same skins in London, taken by an independent and responsible body of experts, prove that the limits of weight laid down by the instructions of the department have been complied with as closely as it is possible for human agency to do so. The weights of skins taken on the islands show this, and furthermore these weights have been verified in London by an independent and responsible body of men.

Here is the man who has been placed in full charge of this public business, the commissioner himself, under oath, actually swearing to a deliberate falsehood of his own invention. He swears that these skins, which have been taken under his orders, are sold in London by weight. What was this man's object in so testifying? <sup>1</sup>

To conceal the fraud of taking yearling sealskins on the islands which weigh only  $4\frac{1}{2}$  pounds each, clean skinned, as the work was done by different men and at different times, this weight was raised by blubber to 5,  $5\frac{1}{2}$ , 6,  $6\frac{1}{2}$ , 7, and 8 pounds.

The committee has under its control a series of 400 sealskins taken in 1913 just as these skins were taken and sold in 1910. Their

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<sup>1</sup> That Mr. Bowers had full knowledge of the fact that he was deceiving the committee is given by his own associate and subordinate, most unwillingly, to the committee, and goes completely to declare the proof of Mr. Bowers's possession of guilty knowledge and use of it to deceive. Chief Special Agent Lembkey swears:

Mr. YOUNG. Let me before you pass from that ask this: You weigh these green skins on the islands and then measure them in the markets in London. What is your purpose in weighing, and what is their purpose in measuring.

Mr. LEMBKEY. Our purpose in weighing the skins on the island is to get them within the weights prescribed by the regulations. Our regulations prescribe maximum and minimum weights. Those weights are 5 pounds—

Mr. YOUNG. Does that relate to the question of age.

Mr. LEMBKEY. Five pounds and eight and one-half pounds.

Mr. YOUNG. Passing from the weight, in London what is the determining purpose in measuring.

Mr. LEMBKEY. They measure them, I fancy—

Mr. YOUNG. Are they trying to arrive at the question of age, too.

Mr. LEMBKEY. They are trying to get the size of the skin or the amount of fur on the animal.

Mr. YOUNG. They care nothing about the question of age there.

Mr. LEMBKEY. Nothing at all.

Mr. YOUNG. That is all I care to ask. (Hearing No. 9, pp. 448, 449, Apr. 13, 1912, Ho. Com. Exp. Dept. Com. and Labor.)



exhibition declares every detail of that fraudulent classification by weight which the Bureau of Fisheries and the lessees managed so as to falsify the returns of their illegal killing on the islands annually to the Government.

The scientists of the Bureau of Fisheries, who have aided Mr. Bowers in this false statement as to classification, and whom he cites to the committee as his "authority" for making it in the following words, are (Hearing No. 2, p. 111, Ho. Com. Exp. Dept. Com. and Labor)—

Mr. BOWERS. I had in mind getting the best talent I could; I expected probable criticism.

Mr. TOWNSEND. I am not criticizing you now.

Mr. BOWERS. I endeavored to get the best talent it was possible to get and to act upon their advice in this fur-seal matter.

Mr. CABLE. Give the names of the members of the advisory board.

Mr. BOWERS. The members of the fur-seal board and of the advisory board, fur-seal service, are as follows (Hearing No. 2, pp. 109-110):

#### "FUR-SEAL BOARD, BUREAU OF FISHERIES.

"In the Bureau of Fisheries, general matters regarding the fur seals are considered by a fur-seal board, consisting of the following:

"Dr. Barton Warren Evermann (chairman), who is chief of the Alaska Fisheries Service and who has been in Alaska a number of times. He was a member of the fur-seal commission of 1892, when he spent six months in the North Pacific and Bering Sea and on the seal islands studying the fur seal.

"Mr. Walter I. Lembkey, who has been in immediate charge of the seal islands for many years; appointed March 22, 1899.

"Mr. James Judge, who, as assistant agent, fur-seal service, has spent many years on the islands; appointed April 30, 1894.

"Mr. A. B. Alexander, Chief of the Division of Statistics and Methods of the Fisheries, who, as fishery expert on the steamer *Albatross*, visited the seal islands often, and who has made a more careful study of pelagic sealing than any other man.

"Mr. M. C. Marsh, pathologist of the Bureau of Fisheries, who spent the season of 1906 on the seal islands making a study of the seal herd.

"The advisory board, fur-seal service, consists of the following:

"Dr. David Starr Jordan, president of Stanford University, who was chairman of the International Fur Seal Commissions of 1896 and 1897, appointed in pursuance of the treaty of February 29, 1892, and whose published report in four volumes is the most comprehensive, thorough, and valuable treatise that has ever been published on all matters pertaining to the fur seal and the seal islands. Dr. Jordan is the most distinguished and best-known naturalist in the world.

"Dr. Leonhard Stejneger, head curator of biology, United States National Museum, for two years resident on the Russian seal islands, member of the Fur Seal Commissions of 1896 and 1897, as a member of which he visited and studied all the fur-seal rookeries of Alaska, Russia, and Japan. His report on the Russian seal islands is the most critical and thoughtful that has been written.

"Dr. C. Hart Merriam, until recently chief of the Biological Survey, member of the Fur Seal Commission of 1890, and the greatest living authority on mammals.

"Dr. Frederic A. Lucas, Director of the American Museum of Natural History, member of the Fur Seal Commissions of 1896 and 1897, and one of the keenest, most discerning, and best-known naturalists.

"Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the fisheries steamer *Albatross*, member of the Fur Seal Commissions of 1896 and 1897, and distinguished as a naturalist and field investigator. Dr. Townsend made a special study extending over many years of our fur seals and pelagic sealing.

"Hon. Edwin W. Sims, United States attorney for the northern district of Illinois in 1906, when Solicitor for the Department of Commerce and Labor spent the season on the seal islands, where he made a very careful study of the conditions on the islands.

"Hon. Frank H. Hitchcock, Postmaster General, who, when chief clerk of the Department of Commerce and Labor, had charge of the administration of the seal service.

"In addition to the above the department had the advice of—

"Dr. F. W. True, Assistant Secretary of the Smithsonian Institution, who spent the season of 1895 on the seal islands as a special commissioner for the Government to study the fur seal. Dr. True is one of the most distinguished mammalogists, and has given special attention to marine mammals.

"Mr. George A. Clark, secretary of Stanford University, who, as secretary of the Fur Seal Commissions of 1896 and 1897, spent many months on the seal islands, when there was made, under his immediate supervision, the most careful census of the fur-seal herd that has ever been made. Mr. Clark was again on the seal islands during the entire season of 1909, where he was sent by the Secretary of Commerce and Labor as an expert to study the seal herd during the last year of the North American Co.'s lease."

Here is an imposing list of names who are thus cited by Mr. Commissioner Bowers as being his "advisers" and as the men who have enabled him to make that false declaration of classification by weights in London (by his "loaded" green-skin weights on the islands). What did these men do when summoned and put under oath by the committee and questioned as to this charge made against Commissioner Bowers of killing yearling seals in violation of the rules of the department—did they deny the charge? No. They all swore that they did not know anything about it; that they did not know how to describe the length or weight of a yearling sealskin. Witness the following:

I. *Dr. Leonhard Stejneger*, member of Advisory Board Fur-Seal Service, Department of Commerce and Labor (pp. 679-680, Hearing No. 11, House Committee on Expenditures in the Department of Commerce and Labor, May 4, 1912):

The CHAIRMAN. Mr. Elliott, do you want to ask him any questions?

Mr. ELLIOTT. I have only a few questions to ask him. Dr. Stejneger, what is the length of a yearling fur seal of the Alaskan herd?

Dr. STEJNEGER. I could not tell you.

Mr. ELLIOTT. Have you ever measured one of the Alaskan herd?

Dr. STEJNEGER. No.

Mr. ELLIOTT. You do not know anything about the length of a skin of a yearling seal as taken from the body?

Dr. STEJNEGER. Of a yearling seal? I do not know; I have never seen a yearling seal killed on the American islands.

\* \* \* \* \*

Mr. ELLIOTT. Were you in consultation with Mr. Bowers when he ordered the killing of 12,920 seals on the seal islands in 1910?

Dr. STEJNEGER. Do you mean in personal special consultation with Mr. Bowers?

Mr. ELLIOTT. Well, as a member of the board do you remember any consultation with him about issuing those orders?

Dr. STEJNEGER. No; I do not remember.

II. *Dr. C. Hartt Merriam*, member of Advisory Board Fur-Seal Service, Department of Commerce and Labor (p. 692, Hearing No. 11):

The CHAIRMAN. Well, how long have you been on the advisory board?

Dr. MERRIAM. Since the beginning. I do not remember the date; but I have been absent from the city during a number of the sittings of that committee, as I am engaged in field work in the West at least half of every year, and therefore have not been in Washington at the time most of these meetings were held.

The CHAIRMAN. Were you at the meeting of the advisory board that the previous witness referred to in his testimony?

Dr. MERRIAM. I do not remember any such meeting.

The CHAIRMAN. Are you a member of the board now?

Dr. MERRIAM. Yes.

On page 99, Hearing No. 11:

Mr. ELLIOTT. Doctor, while you were on the island did you ascertain the length and weight of a yearling seal?

Dr. MERRIAM. I did not.

Mr. ELLIOTT. Do you know anything about the length and the weight of a yearling sealskin?

Dr. MERRIAM. Nothing.

Mr. ELLIOTT. One question more. I understood you to say that you had not been in consultation with Mr. Bowers when he issued his orders for killing 13,000 seals in 1910?

Dr. MERRIAM. I do not think I was present at any conference when that matter was up.

III. Dr. Barton W. Evermann, member of Fur-Seal Board, Alaska Seal Fisheries, Department of Commerce and Labor (p. 622, Hearing No. 10):

Mr. ELLIOTT. I know; I have not disputed that, but I want to find what you did on the island. You didn't do anything, you say.

Dr. EVERMANN. I didn't say that.

Mr. ELLIOTT. You didn't weigh or measure a seal on the islands, did you?

Dr. EVERMANN. My recollection is that I did not.

On pages 639, 640, Hearing No. 10:

Dr. EVERMANN. Do you know that Mr. Fraser states that the process of dressing skins instead of stretching them rather shrinks them?

Mr. ELLIOTT. No; he hasn't said so anywhere. Now, Mr. Lembkey said on page 442 that he had measured a yearling seal—three of them. He says here [reading]:

"Mr. LEMBKEY. The length of a yearling seal on the animal would be, from the tip of the nose to the root of the tail, 39½ inches in one instance and 39½ inches in another—"

"Mr. ELLIOTT. Yes.

"Mr. LEMBKEY. And 41 in another. I measured only three.

"Mr. ELLIOTT. Yes."

Do you dispute those measurements?

Dr. EVERMANN. I do not dispute them.

On page 639, Hearing No. 10:

Mr. ELLIOTT. Now, you can find exactly what was in Mr. Lembkey's mind by turning to page 428, at the bottom of the page [reading]:

"The CHAIRMAN. What is your answer?"

"Mr. LEMBKEY. I certified that they were all over 2 years with the exception of the negligible few that were taken through accident.

"Mr. ELLIOTT. In the spring of 1910 you took 12,920 seals. You killed them there under your directions, and you took the skins.

"The CHAIRMAN. Let him answer the question.

"Mr. LEMBKEY. Is that a question or a statement? He is making a statement, as I understand it.

"The CHAIRMAN. Answer the question.

"Mr. LEMBKEY. I did.

"The CHAIRMAN. That settles it.

"Mr. ELLIOTT. Out of the 12,920 skins which you took through the season of 1910, how many of them exceeded in length 34 inches?"

"Mr. LEMBKEY. I do not know."

Then he tells the committee on page 434 that 7,733 of them, according to this London certificate, are the skins of "small pups" and "extra small pups." And then he renews that statement on page 441 and quoted Mr. Fraser as his authority.

Dr. EVERMANN. So far as I know, Mr. Lembkey has not denied, and I can say I have not denied, the classifications as given by Lampson. If they say that there are so many extra small pups and so many small pups, I presume that classification is correct. I am also convinced that the statement which Lampson & Co. gave me, that a skin 35 inches long which they certified as an extra small pup is an extra small pup, and that the skin 37½ inches long which Lampson & Co. certified to the Bureau of Fisheries as being a small pup is a small pup skin.

Mr. ELLIOTT. Were they salted skins?

Dr. EVERMANN. Those were dressed skins.

Mr. ELLIOTT. They were "doped" and dressed and fixed up. They were not these skins, salted skins.

Mr. MCGUIRE. What do you mean by "doped and dressed?"

Mr. ELLIOTT. They are "stretched" and "doped" when they are dressed. The dressers "dope" them with soap and sugar, and grease and all sorts of things; pull and tread them backward and forward and stretch them into all sorts of shapes. That is what they call "doping."

V. Dr. Charles H. Townsend, member of Advisory Board Fur-Seal Service, Department of Commerce and Labor (pp. 736, 737, Hearing No. 12):

Mr. MCGILLICUDDY. Is there any way to determine the age of a seal from an examination of the skin after it is taken off the body?

Dr. TOWNSEND. Oh, yes. I think a person handling a considerable number of them would be able to throw out the different ages.

Mr. MCGILLICUDDY. There seems to have been two ways of determining the age of a seal, one is by the measurement of the skin and the other by the weight. You are familiar, I suppose, with both methods?

Dr. TOWNSEND. Only from hearsay. I do not know that I ever measured one or ever weighed one.

Mr. MCGILLICUDDY. You have no practical information on that subject?

Dr. TOWNSEND. I have no practical information on that subject. I do not remember that that matter was ever in my instructions at any time. I do not remember that I ever went into it.

Mr. MCGILLICUDDY. So far as your information goes, which do you regard as the more reliable way of determining the age of a seal, by measurement or by weight?

Dr. TOWNSEND. I can not say. I have not gone into that subject.

On page 801, Hearing No. 13:

\* \* \* \* \*

The CHAIRMAN. It has been suggested that I ask a few questions as to your biological knowledge, and, therefore, I proceed along that line. What have you published officially as to the size and weight of fur-seal skins as taken on the seal islands of Alaska?

Dr. TOWNSEND. I do not remember to have published anything on that point.

The CHAIRMAN. What do you know of the composition of the catch of 12,920 fur-seal skins taken by orders of Hon. Charles Nagel, Secretary of Commerce and Labor, and Mr. George M. Bowers, United States Fish Commissioner, during the season of 1910 on the Pribilof Islands?

Dr. TOWNSEND. I am not posted on the composition of that catch.

Hearing No. 14, pages 914-919, as summed up below:

IV. *Dr. David Starr Jordan*, president Advisory Board Fur-Seal Service, etc., Department of Commerce and Labor (p. 580, Hearing No. 10):

Mr. ELLIOTT. Are you quoting Dr. Jordan?

Dr. EVERMANN. I am quoting some things that Dr. Jordan has said.

Mr. ELLIOTT. Is Dr. Jordan a man of truth?

The CHAIRMAN. You are quoting from Dr. Jordan?

Mr. ELLIOTT. I want to find if Dr. Jordan is a man of truth?

The CHAIRMAN. That is not for the witness to determine.

Mr. ELLIOTT. He is assailing me in that matter and quoting Dr. Jordan.

The CHAIRMAN. The witness can not say whether he is telling the truth or whether he is not.

Mr. ELLIOTT. I would like to have it go in the record whether he considers Dr. Jordan a man of truth.

The CHAIRMAN. The witness will proceed.

(And Dr. Evermann proceeds without being able to answer Elliott.)

VI. *Dr. Frederic Augustus Lucas*, member Advisory Board Fur-Seal Service, Department of Commerce and Labor (p. 726, Hearing No. 12):

Mr. ELLIOTT. Yes; I find no fault with that record, either. It is exactly as I published it nearly 40 years before. Now, Dr. Lucas, when you take the skin off that yearling seal and salt it down, how long is it?

Dr. LUCAS. I do not know. I have never measured a skin after salting.

Mr. ELLIOTT. You never measured it before salting, did you?

Dr. LUCAS. I never measured the skin before salting.

Mr. ELLIOTT. Neither before nor after? Then how do you know that in the killing up there they are not killing yearling seals?

Dr. LUCAS. By the weight of the skins.

Mr. ELLIOTT. Are you acquainted with the tables of salted weights published by one of your associates, of 275 skins, which give a complete denial to your statement?

Dr. LUCAS. I am not.

Mr. ELLIOTT. You have never seen the table of Mr. Judge?

Dr. LUCAS. I presume I have seen the table, but I never noticed it.

Mr. ELLIOTT. Two hundred and seventy-five salted skins which he weighed shows that a salted skin 33 inches long will weigh as much as a green skin 37½ inches long. Does that agree with your statement?

Mr. MCGUIRE. Doctor, right there, you say sometimes——

Dr. LUCAS. That is equivalent——

Mr. ELLIOTT. The table states it; he (Mr. Judge) says these sizes of those skins are not fixed by weight.

Dr. LUCAS. May I make a statement? In all these sales of skins the skins are advertised by weight and not by size.

Mr. ELLIOTT. Are they advertised by weight? Find an advertisement by weight in the Lampson catalogues and you will find something I have never been able to find.

Finally one man associated with these experts of Secretary Nagel's appointment, W. I. Lembkey, appeared. He did know what a yearling seal skin was, and after a determined attempt to deny that he did, the following admission was made by him under cross-examination, to wit (Hearing No. 9, Apr. 13, 1912):

On page 443:

"Mr. ELLIOTT. How much can you say is left on a yearling after you have taken the skin off?

"The CHAIRMAN. How much skin is left after you have taken it off?

"Mr. ELLIOTT. Yes, sir; after they remove it for commercial purposes a certain amount is left on.

"Mr. LEMBKEY. I stated about 3 inches.

"Mr. ELLIOTT. Then that would leave a yearling skin to be 35 inches long.

"Mr. LEMBKEY. No; if it was 39½ inches long it would leave it 36½ inches. That is, all the animal from the tip of the nose to the root of the tail would be 39½ inches long. Three inches off that would leave 36½ inches."

In this distinct affirmation and statement, Mr. Lembkey tells the committee that a "yearling" fur-seal skin of his own identification and measurement is 36½ inches long. It then became, in order to understand what the lengths of those 12,920 fur-seal skins were, which he took during the season of 1910 on the Pribilof Islands, and then certified them into the record of his work as being—all of them—"taken from male seals not under 2 years of age." (See testimony Apr. 13, 1912, pp. 428, 429, Hearing No. 9).

With the exhibition as above, of that complete ignorance of the "scientists," we come to the testimony of the one man who directed and did the killing, and who does know, to wit: (Hearing No. 14, p. 905; July 25, 1912; Ho. Com. Exp. Dept. Com. and Labor.)

Mr. Lembkey having thus identified "7,733" of his 12,920 skins as "small pups" and "extra small pups," the committee then examined him as to the lengths of those "small pup" and "extra small pup" skins; he then testified as follows, page 441, Hearing No. 9:

"Mr. ELLIOTT. I am getting at the analysis of your catch which you have given here already. You have given in a statement here that 8,000 of them were "small" and "extra small."

"Mr. LEMBKEY. 7,700.

"Mr. ELLIOTT. 7,700?

"Mr. LEMBKEY. 7,733 were small and extra small pups.

"Mr. ELLIOTT. Mr. Fraser tells us that those seals, none of them measured more than 34 inches nor less than 30 inches.

"Mr. LEMBKEY. The committee can see what Mr. Fraser states. Mr. Fraser states that small pups measured 33½ inches in length."

The CHAIRMAN. What would that indicate as to age?

Mr. ELLIOTT. I am coming to that—

"Mr. ELLIOTT. From there [indicating] to there [indicating] on that diagram—

"Mr. LEMBKEY. 33½ inches in length, and extra small pups measured 30 inches in length.

"Mr. ELLIOTT. Then you have some extra small pups there which makes it 8,000?

"Mr. LEMBKEY. Only 11 of those.

"Mr. ELLIOTT. It does not amount to anything.

"Mr. LEMBKEY. It just makes your 8,000 about 300 more than the actual number.

"Mr. ELLIOTT. That is the reason I used those round numbers. It does not amount to anything one way or the other.

"Mr. LEMBKEY. The actual number is 300 short of 8,000, Mr. Elliott."

Mr. Lembkey thus testifies that his own summary and official record of the measurements of "7,733 fur seal skins," which he took during the season of 1910 on the Pribilof Islands, declares the fact that not one of them exceeds in length 34 inches. That fact determines them—all of them—to have been the skins taken from yearling seals—

Mr. MADDEN. Let me ask you a question. According to Mr. Lembkey's testimony read by you, he testified that the length of a yearling would be 39½ inches, and when it was skinned the skin itself would be 36½ inches. Does it always follow that a yearling seal measures just the same or within an inch or two of the same length?

Mr. ELLIOTT. I think the range is about 3 to 4 inches; a small yearling skin goes 30 inches, a good average yearling skin 34 inches, and a "long" yearling 36 inches. There are three grades.

Mr. MADDEN. All seals are not of the same size?

Mr. ELLIOTT. No; but there is the general average, and you can very easily keep within the limit.

3. As a warrant for the urgent need of killing annually on the islands, practically all of the young male seals that could be secured, the Bureau of Fisheries issued statements to the press, and made a sworn statement as follows to the committee, April 20, 1913 (Hearing No. 10, p. 521, H. Com. Exp. Dept. Com. & Labor):

6. If the surplus males are not killed, they not only become valueless for their skins, but they grow up into bulls not needed for breeding purposes, but which nevertheless pass on to the rookeries, where they do great damage to the breeding herd by fighting among themselves for possession of the cows, often tearing the cows to pieces, so injuring them that many of their pups are still-born, trampling the helpless pups to death, exhausting their own vitality and virility, and rendering themselves less potent than they would be without such useless struggle—in short, causing infinite trouble and injury to the rookeries without a single compensating advantage.

That this statement was absolutely without foundation in fact, that it was deliberately put up to the committee to deceive, and so warrant this excessive and illegal killing on the islands since 1890, to date of its making, as above, has been made a matter of repeated record in the hearings held from May 31, 1911, to July 31, 1912.

The spectacle of 22 "distinguished scientists" being invoked by the Bureau of Fisheries to sustain that untruthful statement, when each and every one of those "authorities" have never given out a word touching it, in all of their writing and talking, that even faintly asserts the same.

Nothing of the kind has ever been witnessed on the breeding rookeries by any competent authority, and nothing of the kind ever will be, since it is not the habit of these animals to "tear the cows to pieces," and "trample the helpless pups to death."

All of this fighting between the bulls takes place, and is over practically, every season, long before the cows arrive; it was accurately observed and published by Elliot 40 years ago. (See *Mono. Seal Islands*, 1874-1882.)

The foregoing briefed selections from the sworn testimony cited, declares that a combination has existed between the officials of the Seal Islands and the lessees' agents from 1891 to 1909, which was continued in Washington between said contractors and the Bureau of Fisheries to deceive the Departments of the Treasury and Commerce and the House committee.

It declares the fact that this officialism and the lessees have not succeeded in deceiving the committee, and the committee is fully warranted in asking the House to approve its findings of fact and recommendations as set forth in its report, No. 1425, on Jan. 31, 1913.



DR. DAVID STARR JORDAN AND HIS ASSOCIATE "SCIENTISTS" STEJ-  
NEGER, LUCAS, TOWNSEND, AND EVERMANN CONSPIRE WITH THE  
LESSEES (LIEBES, ELKINS, AND MILLS) TO CONCEAL THE FACT THAT  
THIS KILLING ON THE ISLANDS WAS RAPIDLY DESTROYING THE  
FUR-SEAL HERDS THEREON, AS SAID LESSEES WERE PROSECUTING  
THAT SLAUGHTER, 1896-1910, INCLUSIVE.

Dr. Jordan deliberately falsifies the Russian records and the rec-  
ords of the slaughter by the lessees, 1896-97, to shield those public  
enemies and enable them to continue their illegal and ruinous work.  
(Hearing No. 2, pp. 65, 66, June 8, 1911, H. Com. Exp. Dept.  
Com. & Labor.)

Mr. ELLIOTT. Way back as far as 1826 the Russians themselves recognized the fact  
that they were culling the herds too closely—that they were ruining the business by  
the land killing of all the choice males; they knew that they alone on the islands were  
to blame, because no such thing as hunting fur seals in the water by white men then  
was dreamed of, much less done.

In December, 1820, Gen. Yanovsky, the Imperial Russian agent, sent over to Sitka  
from St. Petersburg in 1818 to examine into the question of that decline of the fur-  
seal catch, then wrote to his Government that "so severe is this practice of" culling  
the best males for slaughter, "that if any of the young breeders are not killed by  
autumn, they were sure to be killed by the following spring," and urged the reforma-  
tion of this work then on the islands.

Here is this evil of overdriving and culling the herd presented and defined 50 years  
before I saw it and nearly 70 years before Jordan denies its existence in 1898. Think  
of it. We have sent two investigating commissions since 1890 up to our ruined fur-  
seal preserves on the Pribilof Islands, one in 1891 and the other in 1896-97, and yet  
in spite of this plain Russian record and my detailed and unanswerable indictment  
of that particular abuse in 1890, these commissioners blindly and stupidly deny it.  
They attempt to set aside the Russian record by saying that the Russians then killed  
females as well as males and drove them up to the shambles in equal numbers.

The Russians did nothing of the sort. They began the season early in June by  
driving from the hauling grounds precisely as we do to-day and continued so to drive  
all through the rest of the season; they never went upon the rookeries and drove off  
the females; they never have done so since 1799. How then did the females get  
into their drives?

The females fell into these drives of the Russians because that work was protracted  
through the whole season, from June 1 to December 1. In this way the drivers  
picked up many cows after August 1 to 10 to the end of November following, since  
some of these animals during that period leave their places on the breeding grounds  
and scatter out over large sections of the adjacent hauling grounds, so as to get mixed  
in here and there with the young males. Thus the Russians in driving across the  
flanks of the breeding grounds, going from the hauling grounds, during every August,  
September, October, and November, would sweep up into their drives a certain pro-  
portion of female seals which are then scattered out from the rookery organization and  
are ranging at will over those sections of the hauling grounds driven from. What that  
proportion of this female life so driven was, in Russian time, no man to-day can pre-  
cisely determine. From the best analysis I can make of it I should say that the  
Russian female catch in their drives never exceeded 30 per cent of the total number  
driven at any time, and such times were rare, and that it ranged as low as 5 per cent  
of female life up to the end of August annually.

Now, what does Jordan say to-day about this work which the Russians condemned  
70 years ago and I in 1890?

"As land killing has always been confined to the males, and as its operations are  
to-day what they have been since the herd came into the American control, except in  
so far as they have been improved, this means that land killing is not and has not  
been a factor in the decline of the herd."

I went up in 1890 prejudiced against the pelagic sealer. I am yet; but prejudice  
can not make answer to the following facts:

In 1890 I found in the place of 3,193,670 breeding fur seals and their young, only  
959,455.

In the place of a round million of nonbreeding young male seals on the hauling  
grounds in 1872-1874, I found a scant 100,000.



It is and was easy to account for the heavy shrinkage of life on the rookeries, for the pelagic sealer has been hard at work on the female life since 1885-86; he has killed in the water 75 to 80 females to every 20 males, and this proportion in killing ought to be shown on the breeding grounds. It was.

But what about that infinitely greater loss among the young males on the hauling grounds? If the pelagic sealer was all to blame (as Jordan says he is) for this ruin of the herd, why should this class of seals of which he kills the fewest be the one class most fearfully decimated.

I began on the ground in 1890 to review every season's work on the islands since 1874. I found that in 1883 the supply of surplus male seals had so dwindled on the islands that the driving was then extended to all of the hauling fields; that extension declared increased difficulty in getting the supply long before the pelagic sealer had entered Bering Sea or had really begun destructive work in the North Pacific Ocean.

If the pelagic sealer had not caused this trouble on the islands in 1883-1887, of getting the full supply of killable young male seals, what had? An epidemic or disease? No, not a trace of it. Then there remained but two reasonable answers; either too many seals were annually killed by the lessees, or the method of driving to cull the herds so driven was at fault.

The effect of killing annually 100,000 young male seals of a single high grade upon the whole herd as begun in 1870 was an experiment. It went far beyond the Russian limit and method, for it added a much greater danger. It called for the systematic culling out of all the seals driven under 3 years of age and over 4 years.

This act of steadily killing every fine 3-year-old and 4-year-old male that comes up annually in the drives began in a few years to create a serious interference with that law of natural selection in the life of the herd which enables the fur seal to be so dominant a pinniped. This interference is at once seen by a thoughtful naturalist when the continued culling out of the very finest young male seals from the herd takes place annually. How long would any stock breeder keep up the standard of his herd in this State if he annually slaughtered all of the very finest young males that were born into it or brought into it?

Yet Dr. Jordan comes forward in his final report with this plain confession of his inability to grasp a well-established truth in regard to the life of wild animals. Listen to him (Chap. IX, p. 128):

"The whole matter (theory of overdriving) is too absurd for serious consideration, and might be passed by with the silent contempt which it deserves were it not for the fact that it was accepted by the British commissioners in 1891 and made the chief foundation of the British contention before the Paris tribunal of arbitration."

Yet, curiously enough, Dr. Jordan, on page 120, immediately preceding this dogmatic deduction, cuts all the ground out from under his own feet in the following statement:

"But suppose the killing was continued through a series of years, every 3-year-old being killed, the reserve would in time be cut off and the stock of breeding bulls die out. It is impossible to say how long it would take to produce this effect, because we do not know the length of the life of a bull. We may infer, however, that it is not less than 15 years, and therefore the injurious effects of this excessive killing, begun in any given year and continued indefinitely, would not be seen within 10 years at least."

This he publishes under the caption of "A hypothetical case."

It is not hypothetical. It is the real story of the driving and killing on the islands from 1880 up to 1890. During all those years I know, from the records of the work and the direct personal testimony of the men who did the work, that they never allowed a 3-year-old seal to escape that they could get. That in 1883 they first began to fall behind in their run of 3-year-old seals from the hunting grounds of 1872-1874, which had so abundantly supplied them. Then they began to extend their driving to the hitherto untouched hauling grounds of the islands, until by 1896 they were driving from every nook and corner on the islands where a young male seal hauled out, and by 1889, in spite of the frantic exertions that they made, they got less than one-quarter of their quota of 3-year-old skins. They had to make it up in yearlings and "short" 2-year-olds for that year.

In the face of this positive truth about the work of 1889, which appears in my report of 1890, Dr. Jordan, in 1898, makes the following strange blunder of statement: "To destroy this class (3-year-olds) or any considerable number of them would at once weaken the herd. But there would be no object in such killing, and it has never been thought of" (p. 120).

Never been thought of. Why, it was the sole aim and thought of the land butchers to get every fine 3-year-old and 4-year-old seal that could be secured in the seal drives from 1872 to 1890. When the supply of this grade dwindled on the original

sources of supply then the work of driving from the hitherto untouched reservoirs was regularly increased with vigor and tireless persistency.

But Dr. Jordan makes his case still worse, for he goes on to say that this overkilling is not practicable. On page 121 he declares: "In the hypothetical case above cited we have supposed that every male of a given age could be taken. While in theory this is possible, in practice it could probably never be done. There are certain hauling grounds, such as Lagoon, Zapadni Head, Otter Island, Seevitch Rock, and Southwest Point, from which the seals have not and never have been driven. The young males frequenting there were left undisturbed."

This emphatic statement by Dr. Jordan is wholly and completely untrue. I have the record and the proof that each and everyone of these places of retreat which he names above have been annually visited by the sealing gangs on St. Paul Island since 1884; and these "undisturbed" seals have been regularly driven off from those particular places, so that they would haul out on other places where they could be taken more advantageously, or they were killed, thousands and tens of thousands of them, right on the ground itself, notably on Southwest Point in 1884-1886. They were entirely tunted off from other islands because the law and the lease does not allow the lessees to kill seals there. And this particular secret work was in progress right up to the hour when I stopped it, July 20, 1890.

Now, who has imposed upon Dr. Jordan with this bald untruth? Who has so completely and shamefully misled him? What avails his high personal character or his deserved reputation as a naturalist when he makes a gross and a monumental blunder like this? A blunder upon which he bases his whole defense of an abuse which I condemn?

It is in order now to submit the proof that Dr. Jordan has falsified this island work as to not driving or taking of seals by the lessees to slaughter from certain "reservations" and "inaccessible places." It is given in Hearing No. 14, July 25, 1912 (pp. 923-924, H. Com. Dept. Com. & Labor), thus:

Mr. ELLIOTT. One of the most flagrant and inexcusable matters of "scientific" nalfesance as to conduct of the public business on the seal islands of Alaska is that repeated and untruthful statement made by Dr. David Starr Jordan in 1896-1898, and which I have made the following review of (see pp. 66, 67, Hearing No. 2, June 9, 1911, H. Com. Exp. Dept. Com. & Labor), and continued by his associates ever since, to wit:

"But Dr. Jordan makes his case still worse, for he goes on to say that this overkilling is not practicable. On page 121 he declares: 'In the hypothetical case above cited we have supposed that every male of a given age could be taken. While in theory this is possible, in practice it could probably never be done. There are certain hauling grounds, such as Lagoon, Zapadni Head, Otter Island, Seevitch Rock, and Southwest Point, from which the seals have not and never have been driven. The young males frequenting there were left undisturbed.'"

Mr. ELLIOTT. I submit herewith, appended, the following proof of that erroneous statement made by Dr. Jordan, as above cited, to wit:

Those "whistles" used on St. Paul, in 1890, and for driving off those seals as stated in my notes following these of St. George, were not unknown, it is clear, to the lessees at least six years before I knew anything about them.

[Wardman's Entries.]

ST. GEORGE ISLAND, *July and late June.*

June 28, 1884. \* \* \* First driving off of the young seals from under High Bluffs just west of Stony Arteet. The natives set up small, noisy windmills, spilled coal oil on the rocks, and set a number of small flags. \* \* \*

But a few days afterward I [Wardman] was astonished to see the young seals all back there laying in and around these windmill "screechers" and the fluttering flags, showing no fear of them whatever. \* \* \*

Natives sent down every few days with boats and whistles to drive the holluschickie off, since they can not round them up, and kill on the beach margin—too narrow.

[Elliott's diary, St. Pauls Island, May 21-Aug. 14, 1890.]

THURSDAY, *July 3, 1890.*

Palmer, back from Northeast Point this evening, reports that all the native sealing gang used their whistles and stampeded the holluschickie under the bluffs at Lukanin and on Katavie Point, as they came down with him; he says that they told him that

they all had these whistles and used them to drive seals out of the rookeries, especially under these bluffs of Lukanin, of the Reef and Seevitchie Kammers; also of the shelf on Zapadnie and Polovina Bluffs.

SATURDAY, *July 5, 1890.*

Tingle drove all the holluschickie off from the landing (at Otter Island) as soon as we came ashore.

JULY 9, 1890.

Three natives driving holluschickie under the "drop" at Zapadnie. They told me that they had killed several thousand down there on the shelf in 1887-88, and carried the skins off in the baidar; only a few here to-day, and so drove them off, rather than make a killing; also that every one of the S. W. Point seals were slaughtered there on the ground in 1887-88; finest lot seals ever rounded up, not one under size, and all secured.

[Elliott's diary on St. Pauls Island, May 21-Aug. 14, 1890.]

THURSDAY, *July 3, 1890.*

Mr. Goff<sup>1</sup> asked me to-night if I was aware of the fact that the natives had been ordered to sweep the bluff margins at Zapadnie and strew broken bottles, coal-oil cans, etc., on the rocks. I told him that I was; that this work of hustling out every young male seal that could be found hiding in the shelter of the rookery margins and under the high bluffs at Zapadnie, Polovina, Lukannon, and west side of Reef Point, Sieviethie Kammen, and Otter Island was begun here in 1884, and also on St. George.

Mr. Goff also asked me if I knew that the natives were supplied with whistles for stampeding the holluschickie on the rookery margins next to the surf, and that squads were employed secretly at the work. I told him, yes; that Palmer<sup>1</sup> had witnessed and heard such a "drive" under Lukannon bluffs, when he was coming down from Northeast Point, 4th instant. Palmer reported the occurrence to me.

What shall we do? As matters stand, do nothing but record it; it simply shows the extreme diminution of the young male life.

FRIDAY, *July 4.*

Booterin and Artamonov both shrugged their shoulders this morning when I asked them about the whistles—"Excuse me, please," and off they shuffled with very wise grins.

I cornered Aggie Cushing to-day, and he admitted that he had been ordered to "salt" the bluff rocks at Zapadnie in 1889; that every seal had been killed at S. W. Point and "Kursoolah" by the end of the season of 1888; that this hauling ground was not driven; the baidar came direct from the village and the men rounded the seals all up on the ground itself, killed and skinned them there, "all big seals;" "fine, very fine seals; none got away." "When did you first come, Aggie?" "June, 1886, we came first time." "Why?" "Big, fine seals, sir; get 'em; every one, too." "Its pretty well grass grown over there now; when did you quit killing there?" "We got them all in 1888, sir." "Why haven't any seals hauled there since?" "There ain't any left—they have all gone, maas lucken." "When do you think the trouble began here, Aggie?" "It first became hard, Mr. Elliott, in 1883, and it has been getting harder and slower all the time." "Have you got a whistle, Aggie?" "Yes," and showed it to me, slung under his shirt by a neck string; it was a regular pewter dog whistle. Aggie begged off when asked as to details of the work of the whistle brigade, and I dropped the subject.

#### DR. JORDAN DELIBERATELY FALSIFIES THE RUSSIAN RECORD IN RE NOT KILLING FEMALE SEALS.

Dr. Jordan had full knowledge of the fact that the Russian killing of seals from the time the old Russian American company took charge of the Pribilof herd in 1800, up to the day we received it from them in 1867, never permitted the killing of female seals. He, with that full knowledge in his possession, after holding it for

<sup>1</sup> Chas. J. Goff, named above, is dead. W. S. Palmer, however, also named and quoted above, is now employed as one of the curators and preparators in the United States National Museum, Washington, D. C. (May 13, 1913).

nearly two years, has the following untruthful statement to finally report under date of February 24, 1898, relative to the conduct of this work of killing seals by the Russian management of the herd, to wit.

On page 25, Fur Seal Investigation, Part I, 1898, under head of the "Company's management," he says:

At once, upon assuming control of the islands, the Russian American company put a stop to the ruthless slaughter which threatened the fur-seal herds with destruction. \* \* \* They still continued to kill males and females alike. The injury to the herd naturally continued. \* \* \*

That Dr. Jordan could make such a statement in distinct denial of the only authority which he has used, and knows, is hard to believe, when on page 222, following, of this same report above cited, part third, appears the following translation of Bishop Veniaminov's account of this killing, which was originally published in St. Petersburg, 1839, by Von Baer, to wit:

The taking of fur seals commenced in the latter days of September. \* \* \* The siekatchie (bulls) and old females (i. e., two years and older) having been removed, the others are divided into small squads and are carefully driven to the place where they are to be killed, sometimes more than ten versts distant. \* \* \*

When brought to the killing grounds they are rested for an hour or more, according to circumstances, and then killed with a club. \* \* \* Of those 1 year old, the males are separated from the females and killed; the latter are driven carefully back to the beach.

Here is the explicit, clear cut statement made by Veniaminov, who, writing in 1825, after a season spent on St. Pauls Island, denies Dr. Jordan's assertion that the Russians killed male and female seals alike, and that that killing of females destroyed the herd.

And still worse for Dr. Jordan, this translation quoted, was made by Leonhard Stejneger, one of Dr. Jordan's own associates on the Seal Islands, in 1896-97.

There is but one conclusion for any fair mind in the premises. That the Russians did not kill the female seals is positively stated by the only authority who has been invoked by Dr. Jordan in the premises, and who has been translated at length in Dr. Jordan's final report, and correctly translated, as above cited.

In this connection it is also passing strange that Dr. Jordan should have gone out of his way to misquote another authority who has explicitly denied the killing of female seals by the Russians. On page 25, Jordan's own statement is—

In 1820 Yanovsky, an agent of the Imperial Government, after an inspection of the fur-seal rookeries, called attention to the practice of killing the young animals and leaving only the adults as breeders. He writes: "If any of the young breeders are not killed by autumn they are sure to be killed in the following spring."

Unfortunately for Dr. Jordan, he has not quoted Yanovsky correctly. He has deliberately suppressed the fact as stated by this Russian agent, and put another and entirely different statement in his mouth; witness the following correct quotation of Yanovsky:

In his report No. 41, of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that "every year the young bachelor seals are killed, and that only the cows, seekatchie, and half siekatch are left to propagate the species." It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed the next spring. The consequence is the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct. (Appendix to case of United States Fur Seal Arbitration, Letter No. 6, p. 58, Mar. 5, 1821.)

Think of this deliberate, studied suppression of the fact that the Russians did not kill the female seals thus made by a "scientist" like Dr. Jordan, as above. Why does Dr. Jordan attempt to deceive his Government as to the real cause of that Russian decline of the herd between 1800 and 1834? Why, indeed, when the truth is so easily brought up to confound him?

Why does Jordan substitute "breeders" for Yanovsky's "bachelors"? to deceive; for a "breeder" is a female seal as well as male, and that is precisely what Yanovsky has stated—that female seals are not killed, but the "young bachelor" seals are; and are all killed in the spring if they are not so killed in the autumn prior.

He stands convicted out of his own hand of having falsified the record of Russian killing so as to justify the shame and ruin of that work of our own lessees, who are thus shielded by him in his official report to our Government dated February 24, 1898, and published by the Secretary of the Treasury, in January, 1898, under title of "Fur Seal Investigation, parts 1, 2, 3, and 4, 1898."

*The record of Dr. David Starr Jordan on the killing grounds of the Seal Islands in 1896-97, clothed with full authority to regulate the killing of seals, then:*

VII. On July 11, 1896, less than one month after the publication of those "Carlisle rules," above quoted, Dr. David Starr Jordan landed on the Seal Islands, clothed with a supervising power on the part of the Government over all this killing of the seals. He sends to the department a report on this subject, and conceals from it the fact that those "Carlisle rules" of May 14, 1896, have been openly and flagrantly violated during the very first season of their publication. (See Preliminary Report No. 7, 1896, p. 21, Treas. Doc. No. 1913, by David Starr Jordan.)

The department has every confidence in Dr. Jordan as a naturalist, who could not be deceived as to what "yearling" seals were, and accepted his indorsement of this work by the lessees who killed those yearling seals as above cited, in violation of that specific prohibition by the department and under Dr. Jordan's supervision.

But Dr. Jordan *did* know what a yearling seal was, and the following entries made in the official journal declare it, for he was busy in securing them as specimens for his own use, to wit: Under date of Sunday, September 27, 1896, the following entry appears on page 53 of the official journal of the Government agents on St. Paul Island:

13. The skin of a yearling bull, smothered in the food drive from Lukannon was taken for Stanford University.

8. A yearling holluschak shot on reef, supposed to be a virgin cow; the skin taken for California Academy of Sciences.

Dr. Jordan had with him three naturalists, who served as his subordinates on the occasion of his visit in 1896 and again in 1897 to the Seal Islands. These associates, Messrs. Stejneger, Lucas, and Townsend, all united with Dr. Jordan in that report of 1896 (Treas. Doc., No. 1913, Nov. 7, 1896), which gave this illegal killing of yearlings in 1896 a clean bill of health and which is so faithfully recorded in the London sales sheet, December following, as being in violation of those rules of May 14, 1896, above cited.

That Dr. Jordan, at the head of a great university, should thus attempt to conceal the truth about that killing as above stated, seems fairly unreasonable. What influence could the lessees have over

him? Leland Stanford, Jr., University was then governed by a board of trustees, and chief on that board was one of the lessees, D. O. Mills. That lessee was a commanding figure. It might have been very unpleasant in result for Dr. Jordan had he stopped the lessees' work, as he should have done, and reported their violation of the Secretary of Treasury's order to the department, as was his sworn duty to do.

Whatever may have been the cause of Jordan's dereliction in the premises, the fact remains that he was derelict, and not from want of knowledge of what a yearling seal was.

On July 24, 1913, the natives of St. Paul Island, during the course of a meeting with the agents of the House Committee on Expenditures in the Department of Commerce, on St. Paul Island, had this to say of Dr. Jordan and this illegal work of 1896 (this statement is a deposition duly taken):

Question. When, after this year (1890), did you get orders to kill those small seals—to kill all of them that came in the drives?

Answer. In 1896 we commenced to take the 5-pound skins, to the best of our recollection.

Question. Who directed this work of killing the small seals on the killing grounds?

Answer. We do not remember; but J. Stanley Brown was the company's agent at that time.

Question. Did the Government agents object?

Answer. We do not remember.

This shows that no objection on the part of the Government agents was made, or those natives surely would have recalled it, just as they remembered that this particular work was begun, as stated.

VIII.—This work of Dr. David Starr Jordan in 1896, was repeated by him in 1897, and the same covering given to the killing of small seals; and, on page 18 of his second preliminary report, dated November 1, 1897, he says:

Last year the hauling grounds of the Pribilof Islands yielded 30,000 killable seals. During the present season a quota of only 20,890 could be taken. To get these it was necessary to drive more frequently and cull the animals more closely than has been done since 1889. The killing season was closed on July 27, in 1896. This year it was extended on St. Paul to August 7, and on St. George to August 11. The quota to be left to our discretion, and every opportunity was given the lessees to take the full product of the hauling of grounds.

#### ISAAC LIEBES SECURES THE APPOINTMENT OF LEMBKEY THROUGH THE MEDIUM OF DR. JORDAN ON SEPTEMBER 30, 1900, BY SECRETARY GAGE.

We have shown how the lessees managed to get rid of Chief Special Agent Goff and Assistant Agent Lavender, and then to suborn Assistant Agents Murray and Nettleton, who at first had joined with Goff. We have shown how they secured the appointment of Williams to succeed Goff, and Ziebach to take Lavender's place. We have shown how they secured the appointment of J. Stanley Brown to take Williams's place after the latter had expressed his dislike of the course which he had been ordered to pursue as Goff's successor. We have shown how Brown promptly made an official order July 8, 1892, turning the whole business of driving, selection, and killing of seals on the killing grounds to the lessees; and we have shown how Brown, for this guilty subserviency and malfeasance as a United States agent, had been made the "superintendent of the North American



Commercial Co.," or the lessees' work on the islands in 1894. We have shown how Murray was rewarded by being made chief special agent in 1887; and when he died in 1888 how John Morton, another subservient man, was put in charge as "United States chief special agent" by the lessees. It now becomes necessary to show how Liebes had W. J. Lembkey appointed as Morton's successor September 30, 1900, which was soon after Morton's death on the island of St. Paul, July 15, 1900.

This record of Liebes's and Elkins's (lessees) influence is important at this juncture, because Lembkey has been the active official instrument which those men have used to secure illegally more than 100,000 "small pup," or yearling seals, since 1899 up to May 1, 1910.

When Mr. Lembkey was put under oath, April 13, 1912, he swore that he did not know who recommended his appointment as John Morton's successor. He testified to the committee as follows:

Mr. ELLIOTT. Mr. Lembkey, you were appointed when?

Mr. LEMBKEY. Appointed to what position, sir?

Mr. ELLIOTT. To your office of assistant agent in the seal islands of Alaska.

Mr. LEMBKEY. In 1899.

Mr. ELLIOTT. From what place where you appointed?

Mr. LEMBKEY. From what place?

Mr. ELLIOTT. Yes, from what position?

Mr. LEMBKEY. I was appointed——

Mr. ELLIOTT. What position were you holding?

Mr. LEMBKEY. I was holding a clerkship in the Treasury Department at the time of my appointment.

Mr. ELLIOTT. That appointment was dated when?

Mr. LEMBKEY. I do not know; I do not remember.

Mr. ELLIOTT. About what time did you go to the islands in 1899?

Mr. LEMBKEY. I got there some time in May or June—I forget which; I think May.

Mr. ELLIOTT. Who was the chief special agent in charge of the islands?

Mr. LEMBKEY. John M. Morton.

Mr. ELLIOTT. When were you appointed as chief special agent in charge of the seal islands?

Mr. LEMBKEY. Some time in 1900. I think in October.

Mr. ELLIOTT. You were appointed to take the position of whom?

Mr. LEMBKEY. John M. Morton.

Mr. ELLIOTT. Who asked for your appointment?

Mr. LEMBKEY. I do not know.

Mr. ELLIOTT. Is it true that Mr. Isaac Liebes asked Dr. Jordan to telegraph Secretary Gage that you be appointed to Mr. Morton's place?

Mr. LEMBKEY. I did not know Mr. Isaac Liebes at that time, and, of course, I do not suppose he did. However, as I have stated, I do not know who made the recommendation. I am under the impression the recommendation was made by the supervising special agent.

Mr. ELLIOTT. It was not made by Dr. Jordan?

Mr. LEMBKEY. I do not know anything about it. Dr. Jordan himself has denied that he ever made any recommendation in the case. So far as I know I can not answer the question. I was on the seal islands at the time of my appointment.

Mr. ELLIOTT. You were on the seal islands at the time of your appointment?

Mr. LEMBKEY. At the time of my appointment as agent in charge.

Mr. ELLIOTT. Mr. Morton died when?

Mr. LEMBKEY. He died during my absence from the islands. I think it was in July, 1900, or June; I am not certain which—either June or July of 1900.

Mr. ELLIOTT. You do not know who asked for your appointment?

Mr. LEMBKEY. I have not any knowledge whatever on that subject. (Hearing No. 9, p. 425, Apr. 13, 1912, H. Com. Exp. Dept., C. & L.).

Lembkey swears that he does not know who asked for his appointment, as above-cited testimony attests. The following statement of fact shows that Isaac Liebes, for the lessees, asked Dr. Jordan to urge Lembkey as Morton's successor, and that Jordan did Liebes's bidding,



and Secretary of the Treasury Gage, September 30, 1900, in response to Jordan's request, appointed Lembkey.

In April, 1899, W. J. Lembkey, a \$1,200 clerk in the Customs Division, United States Treasury Department, was appointed to the vacancy of an assistant special agent for service on the seal islands. At the same time John Morton, assistant agent, was promoted to the chief special agent's office, made vacant by the death of Joseph Murray, October, 1898, at Fort Collins, Colo.

Morton and Lembkey went up together from San Francisco, and landed on St. Paul Island on June 10, 1899. Morton, in August following, went back to Washington for the winter, and left Lembkey on St. Paul Island in charge.

When Morton returned, June 11, 1900, to St. Paul Island, he found Lembkey ill and suffering from an ulcerated jaw, or threatened necrosis of his jawbone. Lembkey obtained an immediate leave of absence and left the island at once, on June 13, proceeded direct to San Francisco on Liebes's chartered ship, *Homer*, to go under a surgeon's treatment when he arrived there (on or about June 27 or 28, or early in July, 1900).

In the meantime Morton became ill, and died July 15, 1900. He died in the Government agent's house on St. Paul Island. The news of Morton's death reached Washington and San Francisco on or about August 1 to 8 following. Lembkey, who had in the meantime been relieved by surgical treatment, had started back to the islands on the same vessel of the lessees which had carried him down, the *Homer*. She sailed on or about August 8 for this return trip to St. Paul. Before he left San Francisco, and while down there on this errand, as above stated, he was a frequent visitor to the office of Isaac Liebes, on those matters of business which were connected with his living on the islands with his family free of all cost for board, together with service for not himself, but for his wife and daughter. He also had the business of his passage up and down free for his wife and daughter on that vessel, and himself, if his allowance of \$600 per annum for traveling expenses did not meet his own trip costs to and from Washington.

Thus Mr. Lembkey became very well acquainted with Mr. Liebes, and the seals never failed to form a common bond of interest. Liebes soon knew Lembkey well.

When Liebes learned of Morton's death, as usual, he at once looked for a "proper successor" for the man whom he could trust as a United States agent in charge. He sent word to David Starr Jordan, then at Palo Alto, that he (Liebes) desired him (Jordan) to telegraph Secretary Gage of the immediate need for selection of a fit successor to John Morton, and that he (Jordan) desired the appointment of W. J. Lembkey; that was done by Jordan, on or about August 25 or 28, or thereabouts. On September 30, 1900, Gage ordered, as Morton's successor, the appointment of Lembkey, and notified Ezra W. Clark that he had done so at the request of Dr. Jordan. Clark had been promised the place and did not fail to tell why he had lost it.

It will be observed that Lembkey swears that he does not know who urged his appointment; he was on the seal islands at the time of his appointment; he arrived on the islands—after leaving San Francisco on the *Homer*, August 8—on the 19th of August, 1900.

Since his appointment was not made until September 30 following, at Liebes's and Jordan's inspiration, he did not get news of it until the following season, early in May.

Now let us see what Dr. Jordan has to say about this, after he had been charged with this nomination of Lembkey (by Henry W. Elliott). He addressed a letter to President Roosevelt, dated January 16, 1906, in which he made the following evasive reference, to wit:

I may say incidentally, with reference to the concluding remark of Mr. Elliott in his letter, that while I formed a very favorable opinion of Mr. Lembkey during his incumbency of a position in the Treasury Department in 1896-97, it is not just to him to say that "he owes his appointment" to my nomination. Nor is it fair to hold Mr. Lembkey responsible for the failure to solve these scientific questions. They demand a training which he doubtless has not had, and in any event they could not have been worked out successfully in addition to the ordinary duties and responsibilities of his position. The naturalist who is to understand the herd must spend practically all his time in observation of the rookeries.

Against this evasive answer (no denial) of his part in securing Lembkey's appointment, the files of the Treasury will show, in the appointment clerk's office, that telegram from Jordan, which urged the appointment of Lembkey, *and which secured it*.

Later, in 1905, Lembkey, fearing the result of an examination into his work at the islands by Mr. F. H. Hitchcock, in 1905-6, "cast an anchor to the windward," and told the truth October 26, 1905, about the effect of the killing by the lessees (pp. 157-179, Appendix A.).

The moment that Lembkey understood that the lessees had prevented Hitchcock from visiting the islands (early in 1906), he (Lembkey) returned to his service of the lessees, abjectly and shamefully; ate his own words of truth, and joined with Jordan in the usual annual eulogy of the "benevolent killing" on the islands, and the hypocritical cry of "terrible destruction by the pelagic sealers," etc., as the following exhibit clearly declares, to wit:

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington October 26, 1905.

SIR: I have the honor to submit the following report on the administration of affairs on the seal islands of Alaska during the year ended August, 1905:

*There were so few bulls on certain rookeries on St. Paul Island this summer that, by reason of their scarcity, the harems were broken up before the usual period and bachelors were able to haul among the cows.*

This occurred at a date when these young seals should have been excluded from the breeding ground by vigilant bulls, and then forced to haul up, if they desired to haul at all, only on the bachelor's hauling ground.

*This condition, in our opinion, is due to the scarcity of breeding males on the rookeries generally, and to their being so taxed in special localities with the service of the cows that they were unable or unwilling to drive out the bachelors. Had idle bulls been sufficiently numerous this condition would not have occurred.*

*The present scarcity of bulls is attributable directly to close killing on land, from which not enough bachelors were allowed to escape from the killing fields to maintain the requisite proportion of bulls.*

Respectfully,

W. I. LEMBKEY,  
Agent in Charge Seal Islands.

The SECRETARY OF COMMERCE AND LABOR.

But, in 1913, he has another "report" to make—to-wit:

Mr. LEMBKEY. The number of breeding bulls on the island, as found by the foregoing census, is 1,356 active and 329 idle, a total of 1,685 bulls ready for service. With 39,400 breeding and 10,297 virgin females, occupied with 1,356 active bulls, the average harem is only 36. *The 329 idle bulls which did not secure cows during the summer will serve some of the 2-year-old or virgin cows coming in for their initial impregnation*

*in the fall*, and would reduce the size of the average harem to 30, a perfectly normal ratio of the sexes.

It might be claimed that the size of the herd of idle bulls is very small, and that therefore not enough male seals escape the killing grounds to maintain an ideally healthy relation between breeding males and females. It is true that the number of idle bulls is small, but proportionately it is as large as any true friend of the seals would desire. With a total of only 1,685 adult bulls present, the idle, 329, represent 19 per cent, or nearly one-fifth, of the whole number present. This number has not been estimated, but has actually been counted one by one, so that the presence of these bulls is not in the least a matter of conjecture, but is an assured fact. With 1 bull idle out of every 5 present, *not even the most radical critic could fail of conviction that an ample surplus of male life exists, and for this reason the killing of male seals on land has not been of such a nature as to endanger in any way the safety of the herd or its future increase.*—(Hearing No. 9, p. 368, Feb. 29, 1912, H. Com. Dept. Com. & Labor.)

NOTE.—There is no breeding after August 1, annually, and no one knows it better than Lembkey.—H. W. E.

#### GUILTY KNOWLEDGE OF THE BUREAU OF FISHERIES.

That the Bureau of Fisheries had complete knowledge of the fact that these "loaded" weights which are certified into the skin records of killing and taking by the lessees did not govern the size or value of them when sold is admitted, under oath, as follows:

Mr. MADDEN. The point is, does the weight of the skin have anything to do with the value of the skin?

Mr. LEMBKEY. The weight of the skin, in my opinion, has nothing to do with the value of the skin.

Mr. MADDEN. Is it sold by the pound, or how?

Mr. LEMBKEY. Not by the pound, by the size—the amount of fur on it. If we should leave 5 pounds of blubber on the skin there would only be so much fur on it for the garment maker to make the garment of.

Mr. MCGILlicuddy. *If you took a young skin and for the purpose of making it appear by weight older, you could deceive?*

Mr. LEMBKEY. *We certainly could deceive.* We could fill it with any sort of substance.

Mr. MCGILlicuddy. You say measurement would not be reliable because it might be stretched. Suppose you did not stretch it, suppose you take it honestly, then would it be, if honestly taken, would it be a test?

Mr. LEMBKEY. I tried to make that clear to the committee.

The CHAIRMAN. That is a direct question. Why do you not answer it?

Mr. LEMBKEY. I am attempting to. It is impossible; of course all our actions up there are honestly—

Mr. MADDEN (interposing). Answer the question right straight. Do not try to explain it.

Mr. LEMBKEY. I have attempted to state that in measuring a green skin it is impossible to find out its exact length when you lay it on the ground, because it may curl up, or roll, or stretch, *and it can only be measured after it has become hardened by salt.*

Mr. MCGILlicuddy. *Then it will not stretch?*

Mr. LEMBKEY. *Certainly not.*

Mr. MCGILlicuddy. That is the proper time to measure it, after it has become rigid and stiff?

Mr. LEMBKEY. Certainly.

Mr. MCGILlicuddy. *You can not then stretch or shrink it?*

Mr. LEMBKEY. *No, sir.*

Mr. MCGILlicuddy. *With an honest measurement of that kind of skin would it not determine the age?*

Mr. LEMBKEY. *If fancy, yes.*

Mr. MCGILlicuddy. *Is there any doubt about it?*

Mr. LEMBKEY. *I do not think so.* I say fancy, because I never attempted to judge of age by the measurements.

Mr. MCGILlicuddy. In that way, if anybody wanted to, they could not deceive, because you say they could not stretch it?

Mr. LEMBKEY. You could not stretch it after it had been salted four or five days, because the skin then is not very pliable.

Mr. MCGILLICUDDY. *Then it is your idea that measurement is reliable after a certain number of days?*

Mr. LEMBKEY. *Yes, after it has been in salt, but when the skin is green it would not be a reliable test.* (Hearing No. 9, pp. 399-400, Feb. 29, 1912, Ho. Com. Exp. Dept. Com. and Lab.)

Here the chief special agent of the Bureau of Fisheries in charge of the seal islands distinctly tells the committee that when those skins taken by him have been in salt "four or five days" they can not be stretched or shrunk; that they are then fixed for a reliable measurement, and so fixed when they leave the islands for the London sales.

Then, later on, this chief special agent in charge of the seal islands, when asked by the committee to give his measurements made by himself of a yearling seal of his own identification as such, he swears (on pp. 442, 443) as follows (Hearing No. 9.):

Mr. LEMBKEY. Now, Mr. Elliott, proceed.

Mr. ELLIOTT. Mr. Lembkey, do you know the length of a yearling seal from its nose to the tip of its tail?

Mr. LEMBKEY. No, sir, not off-hand.

Mr. ELLIOTT. You never measured one?

Mr. LEMBKEY. Oh, yes, I have measured one.

Mr. ELLIOTT. Have you no record of it?

Mr. LEMBKEY. I have a record of it here.

Mr. ELLIOTT. What is its length?

Mr. LEMBKEY. The length of a yearling seal on the animal would be, from the tip of the nose to the root of the tail,  $39\frac{1}{2}$  inches in one instance and  $39\frac{1}{2}$  in another instance—

Mr. ELLIOTT. Yes.

Mr. LEMBKEY. *And 41 in another instance.* I measured only three.

Mr. ELLIOTT. *When you take a skin off of that yearling seal, how much of that skin do you leave on there?*

Mr. LEMBKEY. You do not leave very much on the tail end there [indicating]; not nearly so much as your sketch would show.

Mr. ELLIOTT. It does not matter.

Mr. LEMBKEY. *We leave about 3 inches, perhaps, on the head.*

Mr. ELLIOTT. How much can you say is left on a yearling after you have taken the skin off?

The CHAIRMAN. How much skin is left after you have taken it off?

Mr. ELLIOTT. Yes, sir; after they remove it for commercial purposes a certain amount is left on.

Mr. LEMBKEY. *I stated about 3 inches.*

Mr. ELLIOTT. *Then that would leave a yearling skin to be 35 inches long.*

Mr. LEMBKEY. No; if it was  $39\frac{1}{2}$  inches long it would leave it  $36\frac{1}{2}$  inches. That is, all the animal from the tip of the nose to the root of the tail would be  $39\frac{1}{2}$  inches long. *Three inches off that would leave  $36\frac{1}{2}$  INCHES.*

In this distinct and explicit statement, *Mr. Lembkey tells the committee that a yearling seal skin of his own identification and measurement is  $36\frac{1}{2}$  inches long, and that its measurement as such is fixed and constant after "four or five days in salt."*

On page 447, he admits to the committee that the official classification of his catch of 12,920 seal skins taken by him in 1910 and measured in salt carries 7,733 skins which are less than 34 inches long (or are yearling skins), any one of them, as follows:

Mr. ELLIOTT. I am getting at the analysis of your catch which you have given here already. You have given in a statement here that 8,000 of them were "small" and "extra small."

Mr. LEMBKEY. 7,700.

Mr. ELLIOTT. 7,700?

Mr. LEMBKEY. *7,733 were small and extra small pups.*

Mr. ELLIOTT. Mr. Fraser tells us that those seals none of them measured more than 34 inches nor less than 30 inches.

Mr. LEMBKEY. *The committee can see what Mr. Fraser states. Mr. Fraser states that small pups measured  $33\frac{3}{4}$  inches in length.*

Mr. ELLIOTT. From there [indicating] to there [indicating].

Mr. LEMBKEY. *Thirty-three and three-quarters inches in length, and extra small pups measured 30 inches in length.*

Mr. ELLIOTT. Then you have some extra small pups there which makes it 8,000.

Mr. LEMBKEY. Only 11 of those.

Mr. ELLIOTT. It does not amount to anything.

Mr. LEMBKEY. *It just makes your 8,000 about 300 more than the actual number.*

Mr. Lembkey can not sensibly dispute the fact that he has taken 7,733 "yearling" seals in 1910; and this done in open violation of the law and regulations of the department which he is sworn to obey and enforce, and which he quotes to the committee (on p. 372) as follows:

Mr. MADDEN. *If they were killed it would be a violation of law.*

Mr. LEMBKEY. *It would; if the regulations permitted it, however, it would be in accordance with existing law.*

It should be remembered also that the law does not prohibit the killing of any male seal over 1 year or 12 months of age, *although regulations of the department do prohibit the killing of anything less than 2 years old*, or those seals which have returned to the islands from their second migration.

Mr. TOWNSEND. *That is a regulation of the Secretary of Commerce and Labor?*

Mr. LEMBKEY. *Of Commerce and Labor; yes, sir.*

Mr. YOUNG. Let me before you pass from that ask this: You weigh these green skins on the islands, and then measure them in the markets in London. *What is your purpose in weighing, and what is their purpose in measuring?*

Mr. LEMBKEY. *Our purpose in weighing the skins on the island is to get them within the weights prescribed by the regulations. Our regulation's prescribe maximum and minimum weights. Those weights are 5 pounds—*

Mr. YOUNG. Does that relate to the question of age?

Mr. LEMBKEY. Five pounds and eight and one-half pounds.

Mr. YOUNG. *Passing from the weight, in London what is the determining purpose in measuring?*

Mr. LEMBKEY. *They measure them, I fancy—*

Mr. YOUNG. Are they trying to arrive at the question of age, too?

Mr. LEMBKEY. *They are trying to get the size of the skin or the amount of fur on the animal.*

Mr. YOUNG. They care nothing about the question of age there?

Mr. LEMBKEY. *Nothing at all.*

Mr. YOUNG. That is all I care to ask.

That these natives know what they are doing when directed by the lessees to kill seals, the following testimony of Chief Special Agent Lembkey fully attests; it is found on page 58 of manuscript notes of Ways and Means hearing, January 25, 1907.

Mr. LEMBKEY. I may say, Mr. Chairman, that the clubbers on the island are expert in their business, and they can determine the weight of a skin on a live seal to within a fraction of a pound.

Mr. GROSVENOR. That is all I wanted to know.

Mr. LEMBKEY. They also know the age of a seal from his appearance.

#### Manuscript notes, page 59:

Mr. CLARK. These experts can tell a 4-year-old from a 3-year-old, can they?

Mr. LEMBKEY. By looking at him.

Mr. CLARK. By looking at him?

Mr. LEMBKEY. Yes.

Mr. CLARK. They are pretty expert.

Mr. NEEDHAM. Are these killers, "natives"?

Mr. LEMBKEY. Yes, they are natives. I can state positively that they arrive at that degree of experience.

We find that on May 14, 1896, the Secretary of the Treasury instructed the agents in charge of the seal islands to permit "no taking of seals that had skins less than 6 pounds in weight," or "yearlings." This order is entered at length, at page 14, of the official record or journal, of the special agent, St. Paul Island, on June 17, 1896. In 1900, Chief Special Agent Lembkey (succeeding John Morton, who died that year) submits a report to the Treasury Department for this season's work of 1900 (as well as 1901), in which he says:

In 1900 the standard was lowered from 6 pounds to 5 pounds, being the first time in the history of this business, and as many 5-pound skins as could be found were taken.

An inspection of the official journal of the chief special agent, St. Paul's Island, for the season of 1900, fails to show any entry of any order from the Secretary of the Treasury which rescinds that official order of May 14, 1896, and which would be in the same official log book if made. By what authority was this killing which Mr. Lembkey, and which the London records certify to—by what legal or moral authority was that killing, as well as "the taking of skins weighing less than 6 pounds or yearlings," made during this season? None, whatever.

In 1904, following the visit of Senators Dillingham, Nelson, Burnham, and Patterson (this killing of those yearling seal having been noticed by those Senators on the islands August 3, 1903), they introduced a bill which suspended entirely the work of the lessees on these islands. That caused the Secretary of Commerce and Labor, Mr. Cortelyou, to come forward and engage to check up this work of killing the small seals and yearlings, and on his pledge the Senators refrained from pressing that bill. He accordingly issued what is known as the Hitchcock Rules, ordered May 1, 1904, which forbade the killing of "any seal having a skin weighing less than 5½ pounds or any seals under 2 years of age."

We now reach that combination made between the lessees and the Government agents to evade this order of the Hitchcock Rules; when Hitchcock left the Department of Commerce and Labor early in 1905 these men went to work as follows:

An unwilling confession was made by Lembkey of that guilt of nullification, when cross-examined, under oath, before the House Committee on Expenditures Department Commerce and Labor, February 20-April 13, 1912. (See pp. 363, 458, Hearing No. 9.)

This conspiracy to enable D. O. Mills, United States Senator Elkins, and Isaac Liebes, as lessees, to enrich themselves at the public cost and credit, has been shielded and approved by the "scientific" "Advisory Board on Fur-Seal Service," with Dr. David S. Jordan, as "president" of the same.

Liebes and Lembkey got together to nullify the Hitchcock Rules in 1903, which ordered the reservation of 2,000 young male seals (1,000 2-year-olds and 1,000 3-year-olds), annually before the lessees' killing began, this reservation being ordered thus, to prevent the swift impending ruin of all male breeding seal life on the rookeries.

In further proof of the fact that Lembkey knew he was killing those "reserved" 3-year-old seals, so as to meet the wishes of Liebes, the following official evidence is submitted.

In 1905 First Assistant Agent Judge, finding that he was killing in October and November, 1904, all of the 3-year-old seals which



had been "reserved" and "immune" from slaughter in June and July previously, he made a clear pointed statement to that effect in his annual report, dated June 5, 1905, to wit:

To remove all possibility of killing branded seals in the fall on which the brands have become indistinct it will be necessary to prohibit the slaughter of any animal the skin of which weighs over 6 pounds. (Rept. Agt. Jas. Judge, p. 180; Appendix A; H. Com. Exp. Dept. Com. & Labor, June 24, 1911.)

Now, in the face of this distinct proof given him as above, that he must make a 6-pound maximum limit for food skins, or let the lessees continue to nullify the Hitchcock Rules, does W. I. Lembkey do so? Observe the following sworn statement by him that he does not—that he kills them all:

Mr. McGUIRE. Right there, Mr. Lembkey, did you prohibit their killing them?

Mr. LEMBKEY. I did.

Mr. McGUIRE. Over 4 years of age?

Mr. LEMBKEY. I did.

Mr. ELLIOTT. In 1904?

Mr. LEMBKEY. Yes.

Mr. ELLIOTT. Did you do it in 1905?

Mr. LEMBKEY. Yes.

Mr. ELLIOTT. How did you do it? You had no brand on them.

Mr. LEMBKEY. By fixing a limit of 8½ pounds on the skins to be taken. (Hearing No. 9, p. 458, Apr. 13, 1912, H. Com. Exp. Dept. Com. & Labor.)

#### BRIEF SUMMARY OF THAT SWORN TESTIMONY WHICH DECLARES THIS GUILTY COLLUSION—IN NULLIFYING THE HITCHCOCK RULES.

*Lembkey, February 4, 1911, declares "the weight of a 3 year old skin is 7 pounds," and to "save the 3 year-olds," he has ordered "no skins taken which are over 6½ pounds."*

[Hearing No. 14, p. 907, July 25, 1912.]

Mr. ELLIOTT. Now, Mr. Chairman, in the matter of the nullification of the Hitchcock rules, with this evidence duly considered by your committee of the illegal killing of those yearling seals in 1910 (and that evidence of this guilt applies to every season's work on the Pribilof Islands ever since 1890 down to May 1, 1910), I desire to present the following testimony, which declares that ever since May 1, 1904, when the "Hitchcock rules" were first ordered by the Department of Commerce and Labor, those rules have been systematically and flagrantly violated by the agents of this department who were specially sworn to obey and enforce them.

On February 4, 1911, Chief Special Agent Lembkey was introduced by Secretary Charles Nagel to the United States Senate Committee on Conservation of National Resources, and during his examination by that committee he made the following statement, to wit, on page 14 (hearings on Senate bill 9959, February 4, 1911, Committee on Conservation of National Resources):

"Dr. HORNADAY. How many 'short 2-year-olds' were killed last year?

"Mr. LEMBKEY. I do not understand your term. No seals under 2 years old, to my knowledge, were killed.

"Dr. HORNADAY. What would be the age of the smallest yearlings taken?

"Mr. LEMBKEY. Two-year-olds rarely, if any. I may state here, Dr. Hornaday, that a great difference of opinion exists between Mr. Elliott and the remaining people who understand this situation. There is a great gulf between their opinions, and it can never be reconciled on the question of the weights of skins of 2-year-olds.

"Prof. ELLIOTT. I will present my information in a moment.

"Dr. HORNADAY. The minimum weight is what?

"Mr. LEMBKEY. Five pounds. *During food drives made by the natives, when the seals killed are limited to 6½ pounds, in order to exclude all these 3-year-olds branded during the summer, you understand the natives do kill down a little more closely than our regulations allow, for the reason that they need the meat, and since they have to exclude all these fine, fat seals over 6½ pounds they go for the little fellows a little more closely.*

"The CHAIRMAN. How many seals were killed last year for food by the natives?



## 270 INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

"Mr. LEMBKEY. The limit was 2,500. Speaking offhand, I think about 2,300 were killed.

"Q. Were any females killed?—A. No, sir; not to my knowledge, and, as I stated, I carefully interrogated these two gentlemen who had charge of this killing, and they stated that to their knowledge no female was killed.

"Q. *What class of males were killed by the natives for food?*—A. *Under 6½ pounds—*"

Then, soon after stating that "6½-pound" limit, Lembkey admitted that he did not put that reservation *down* to "6½ pounds" until proof had been given him, that an 8½ pound skin limit did not spare those 3 year olds (*and, he did not fix that limit even then*), to wit:

[Dixon Hearing, p. 19, Feb. 4, 1911.]

Senator HEYBURN. State the document and the page from which you read.

Prof. ELLIOTT. Senate Document No. 98, Fifty-ninth Congress, first session, page 86. Here is the official report of Mr. W. I. Lembkey, in which the preservation and protection and conservation of this seal life, which he so graphically described to you a moment ago, is blown clear out of water by its own force of official denial.

### REPORT OF AGENT JAMES JUDGE.

ST. GEORGE ISLAND, June 5, 1905.

DEAR SIR: I have the honor to submit the following report of affairs on St. George Island, covering the interval from August 14, 1904, to date:

### SEALS.

On October 7 Little East Rookery was carefully gone over for the purpose of counting dead pups, but none were found.

At that season foxes in greater or less numbers are always present on the rookeries and quickly eat the pups or older animals that may happen to die. Pup skulls were frequently found during September in the rear of the rookeries, where they had undoubtedly been left by the foxes, the bodies having been devoured.

Further counting of dead pups was therefore not attempted, as it seemed a disturbance of the seals to no good purpose.

The first food drive was made October 19; killed, 59; dismissed, 6 large, 197 small, and 6 brands. Two of the latter were from St. Paul. While all brands were very faint, those made with shears were less discernible than those made with hot irons. *Just the slightest trace of a brand on one of the dead informed us that the wrong animal had been knocked down. The skin weighed 8 pounds. That other 3-year-olds branded in the spring, on which the fur had grown out so that the brand had become obliterated, were also killed is more than probable, as 69 per cent of the dead skins weighed 7 pounds and over, the heaviest weighing 9 pounds.*

Mr. LEMBKEY. May I interrupt the gentlemen just a second to ask whether the report does not state that Mr. Judge at once took measures to prevent the killing of any more of these branded seals by limiting the weights of skins to 6½ pounds, a practice which has been followed ever since?

*Did Lembkey tell the truth? No; he deliberately denies under oath, April 13, 1912, what he asserts as above in re a "6½-pound limit" and thus admits his guilt in the premises, as below, to wit:*

Mr. ELLIOTT. Now, what follows, gentlemen of the committee—*does he make that order of reservation? No; he actually nullifies it, and unwittingly confesses that malfeasance in the following sworn statement made to your committee April 13 last, on page 458, Hearing No. 9, Lembkey affirms:*

"Mr. MCGUIRE. Right there, Mr. Lembkey, did you prohibit killing them?

"Mr. LEMBKEY. I did.

"Mr. MCGUIRE. Over 4 years of age?

"Mr. LEMBKEY. I did.

"Mr. ELLIOTT. In 1904?

"Mr. LEMBKEY. Yes.

"Mr. ELLIOTT. Did you do it in 1905?

"Mr. LEMBKEY. Yes.

"Mr. ELLIOTT. How did you do it? You had no brand on them.

"Mr. LEMBKEY. *By fixing a limit of 8½ pounds on the skins to be taken.*"

Now, *what has become of that "6½-pound" 3-year-old limit by which he has sworn he "saved the 3-year-olds" in June and July, to be again "saved" by him as such in the autumn following by having this maximum limit of "6½ pounds" put on the taking of any "food skins"?* Why, they are all killed.

Mr. MADDEN. How many people are there on the islands?

Mr. ELLIOTT. About 300; about 250 now. Why, those 3-year-olds so saved are all killed later in the season, and so killed as being under the limit of "8½ pounds"! He thus stupidly confesses to you, as above quoted, that he has nullified the very rules of the department that he was and is sworn to obey and enforce.

The Hitchcock rules ordered a "permanent mark" to be put upon these reserved seals, "and under no circumstances are they to be taken," etc. *Why was it not done?* The answer is easy. *The lessees wanted those skins, and they manipulated Lembkey as above—they got them.*<sup>1</sup>

The natives made no mistake—not at all—"they took those 4-year-olds for 3-year-olds" just because the lessees' agents ordered them to do so. E. W. Clark is not telling *all* of the truth—only part of it, for good reasons of his own, perhaps!

ST. GEORGE ISLAND, August 14, 1907.

DEAR MR. LEMBKEY. It has occurred to me that you may wish a formal statement regarding the marking of the young male seals at this island for a breeding reserve. The following is a statement in detail:

Date.	Rookery.	2 years old.	3 years old.	4 years old.
June 12	Staraya Artel.....	29	32	20
17	North.....	14	14	11
19	Zapadni.....	14	18	15
20	East.....	26	28	15
21	Staraya Artel.....	68	61	6
25	East.....	38	37	14
27	Zapadni.....	11	12	4
	Total.....	200	202	85

While the marking of 4-year-old seals is not enjoined, I deemed it wise to mark those which the natives caught, believing that if they would make the error of taking these seals for three years old when we were branding they were likely to make a similar error when we came to killing, and it was a good plan to render such seals immune for the season.

Our selection of seals for breeding was of the first class, and the marks remain as conspicuous now as when first applied.

Very respectfully,

EZRA W. CLARK,  
*Assistant Agent in Charge.*

<sup>1</sup> The manner in which they were "reserved" and then taken is set forth as follows:

3. *The reserve of bachelors.*—Beginning with the season of 1904, there has been set aside each spring a special breeding reserve of 2,000 young males of 2 and 3 years of age. These animals have been marked by clipping the head with sheep shears, giving them a whitish mark readily distinguishing them to the clubbers. They are carefully exempted on the killing field and released.

This method of creating a breeding reserve seems open to considerable criticism, and has apparently been only moderately successful. The mark put upon the animal is a temporary one. The fur is replaced during the fall and winter, and the following spring the marked seals can not be recognized. The animals being 2 and 3 years of age are still killable the next season, the 2-year-olds in fact the second season. A new lot of 2,000 is clipped the next season, and these are carefully exempted, but, except in so far as animals of the previous season's marking are reclipped, they have no protection the second season, and without doubt are killed.

If such is not the case, it is difficult to understand what becomes of them. (Report of G. A. Clark, p. 847, Appendix A, H. Com. Exp. Dept. C. and L.)

(Appendix A, p. 533, House Committee on Expenditures in the Department of Commerce and Labor, June 24, 1911.)

#### THE DEADLY PARALLEL.

*Lembkey says the 3-year-olds and other holluschickie are not driven out from shelter of the breeding cows.*

*But his assistant tells him that they are so "pulled out from among the cows."*

Chief Special Agent LEMBKEY:

"Furthermore, the 3-year-olds, having passed the age of puberty, are not found on the hauling grounds during the fall, but are hauled among the cows on the rookeries when they can not be driven. This is an additional safeguard against their killing, and of itself would disprove any allegation that these marked seals are subsequently killed." (Report, Dec. 14, 1906, S. Doc. 376, p. 13, 60th Cong, 1st sess.)

Assistant Agent JAMES JUDGE:

"Seals.—Four hundred and fifty-eight seals of the quota of 500 allowed the natives of this island for food were obtained. The first drive was made on October 19, from Staraya Artel, and 220 seals were killed; 209 small, sixty-five 3-year-olds, five 4-year-olds, six 5-year-olds, two 6-year-olds, and 4 branded were turned away. Three other drives were made as follows: October 31, Staraya Artel rookery, 148 seals were killed; twelve 3-year-olds released; November 9, Staraya Artel and North, 44 seals killed; November 16, North rookery, 25 seals killed; October 20 to November 10, Zapadni Guards, 21 seals killed.

"The last three drives were made up entirely of seals pulled out from among the cows by the natives, and as very careful selection had taken place on the rookery very few were turned away from the killing field." (Report June 3, 1907, S. Doc. 376, p. 105, 60th Cong., 1st sess.)

And in final and complete proof of this guilty knowledge possessed by Liebes, Lembkey, Evermann, and Bowers, as lessees and officials, that these "reserved" seals were being taken in violation of regulations, the deadly parallel is drawn upon them, thus:

Lembkey declares that the regulations "*order no food skins taken over 6½ pounds*"; and that he faithfully obeys them:

MR. LEMBKEY:

*Notwithstanding repeated allegations to the contrary, the regulations of the department fully protect the breeding herd and these regulations are carefully and thoroughly observed. They require that no female or marked male should be killed, and no male seal having a pelt weighing less than 5 or more than 8½ pounds. During the food killing season of the fall and spring seals having skins weighing over 6½ pounds or under 5 pounds may not be taken, this extra limitation being enforced to prevent the killing of those males marked for breeding purposes after the new hair has grown in and obliterated the mark which is placed upon their hides at the beginning of the season.*

But Evermann furnishes the committee with copies of these regulations which order "*no food skins taken over 8½ pounds*"—and thus confessing the deceit of Lembkey! (and himself also).

DR. EVERMANN:

I wish to call particular attention to these paragraphs of the instructions regarding reservations to be made:

[Instructions issued Mar. 9, 1906.]

SEC. 8. *Sizes of killable seals.*—No seals shall be killed having skins weighing less than 5 pounds nor more than 8½ pounds. Skins weighing more than 8½ pounds shall not be shipped from the islands, but shall be held there subject to such instructions as may be furnished you hereafter by the department. Skins weighing less than 5 pounds shall not be shipped from the islands, unless, in your judgment, the number thereof

Mr. MADDEN. Right there, let me ask a question.

Mr. LEMBKEY. Yes, sir.

Mr. MADDEN. I do not think it will interfere. You said that seals two or three years of age were killed?

Mr. LEMBKEY. Yes, sir.

Mr. MADDEN. And that no skin weighed less than 5 or more than 8 pounds?

Mr. LEMBKEY. More than  $8\frac{1}{2}$  pounds.

Mr. MADDEN. *Except during a certain period of the season when the higher weight was reduced to  $6\frac{1}{2}$  pounds?*

Mr. LEMBKEY. Yes, sir.

Mr. MADDEN. What becomes of the seals more than 3 years of age?

Mr. LEMBKEY. They are allowed to mature as breeders. (Hearing No. 9, p. 363, Feb. 29, 1912, House Com. Exp. Dept. Commerce and Labor.)

is so small as to justify the belief that they have been taken only through unavoidable accident, mistake, or error in judgment.

SEC. 9. *Killing season.*—The killing season should begin as soon after the 1st of June as the rookeries are in condition for driving. Seals shall not be killed by the lessee later than July 31. No seals whatever shall be taken during the stagey season. The killing of pups for food for the natives, or for any other purpose, is not to be permitted.

SEC. 10. *Seals for food.*—*The number of seals to be killed by the natives for food for the fiscal year beginning July 1, 1906, shall not exceed 1,700 on the island of St. Paul and 500 on the island of St. George, subject to the same limitations and restrictions as apply to the killing of seals by the company for the quota.* Care should be taken that no branded seals be killed in the drives for food.

[Instructions issued Apr. 15, 1907.]

SEC. 6. *Quota.*—Identical with instructions of 1906.

SEC. 7. *Reservation of young males.*—Identical with instructions of 1903.

SEC. 8. *Sizes of killable seals.*—No seals shall be killed having skins weighing less than 5 pounds nor more than  $8\frac{1}{2}$  pounds. Skins weighing less than 5 pounds or more than  $8\frac{1}{2}$  pounds shall not be shipped from the islands, but shall be held there subject to such instructions as may be furnished you hereafter by the department.

SEC. 9. *Killing season.*—The killing season should begin as soon after the 1st of June as the rookeries are in condition for driving. Seals shall not be killed by the lessee later than July 31. The killing of pups for food for the natives, or for any other purpose, is not to be permitted.

SEC. 10. *Seals for food.*—*Identical with instructions of 1906.*

[Instructions issued Apr. 1, 1908.]

SEC. 6. *Quota.*—Identical with instructions of 1907.

SEC. 7. *Reservation of young males.*—Identical with instructions of 1906 and 1907.

SEC. 8. *Sizes of killable seals.*—*Identical with instructions of 1907.*

SEC. 9. *Killing season.*—Identical with instructions of 1907.

SEC. 10. *Seals for food.*—*Identical with instructions for 1907.* (Hearing No. 10, pp. 483-484, Apr. 19, 1912, House Com. Exp. Dept. Commerce and Labor.)

When the Hitchcock rules were first published the lessees were shocked, and at once took Lembkey to task—how could *he* do such an act?

*Lembkey tells them that Elliott did it—that HE was not to blame, and that Elliott was the “pest” that prevented Lembkey from fully serving Liebes.* Under examination April 13, 1912, he testifies—

Hearing No. 9, p. 455.]

Mr. ELLIOTT (reads from Lembkey's letter to Hitchcock, May 20, 1904):

“When I pointed out that my instructions were not discretionary, he stated that he would at once protest to the department. He requested that I inform him by official letter of the requirement, which I did, and, at his urgent request, inclosed a copy of your letter. I have taken pains to explain to him the situation that existed in Washington last winter, and that the attitude of the department is not one of hostility to the company, but necessary to avoid sinister results.”

Mr. LEMBKEY. Sinister results?

Mr. ELLIOTT. Yes. [Reading:]

“While admitting in one breath ‘a knowledge of the Elliott campaign——’ ”

*You told him I did this thing, did you not?*

Mr. LEMBKEY. *I certainly did.*

Mr. ELLIOTT. I am glad you did.

Mr. LEMBKEY. *I told him that you were the greatest pest the department ever had.*

Mr. ELLIOTT. I am glad to hear that. That is music to me.

Before this order was made, May 1, 1904, we find Lembkey busy with Jordan and working with Liebes for the illegal killing of small seals.

Lembkey tried to prevent the “5½-pounds limit” being ordered in 1904, and confesses the attempt, under cross-examination to the committee, thus—

[Hearing No. 9, p. 449, Apr. 13, 1912.]

Mr. ELLIOTT. *Mr. Lembkey, in 1904 the Hitchcock rules were first published, I believe. Have they been changed since then?*

Mr. LEMBKEY. *Yes, they have.*

Mr. ELLIOTT. *As to killing any seal under 2 years of age?*

Mr. LEMBKEY. *Not so far as to killing any seal under 2 years of age, but in 1906 they were changed so as to make the minimum weight 5 instead of 5½ pounds.*

Mr. ELLIOTT. *Why did the department fix 5½ pounds in 1906?*

Mr. LEMBKEY. Now you are asking me something. Mr. Elliott, I do not believe I am qualified to answer; just how the department arrived at an opinion of that kind would hardly be a question for me to testify to.

Mr. ELLIOTT. *You were not consulted?*

Mr. LEMBKEY. I was not consulted when the order was written.

Mr. ELLIOTT. That is all I wanted to get at, sir. In 1900 and——

Mr. LEMBKEY. *I will state, however, that I made a recommendation to the effect that the weight be decreased from 5½ pounds to 5 pounds, if that is what you have reference to.*

Mr. ELLIOTT. *Oh, you did. Did you make that recommendation in 1904?*

Mr. LEMBKEY. *If I remember correctly I recommended to Mr. Hitchcock that the minimum weight in 1904 be fixed at 5 pounds.*

Mr. ELLIOTT. *Yes; and Mr. Hitchcock overruled you.*

Mr. LEMBKEY. I do not say that he overruled me. *He fixed the weight, according to his published statement, at 5½ pounds so that there would be absolutely no question as to the fact that the seals taken were over 2 years of age.*

Mr. ELLIOTT. Were “not under 2 years of age?”

Mr. LEMBKEY. Over 2 years of age.

Mr. ELLIOTT. Does not this regulation say “under 2 years of age?”

Mr. LEMBKEY. I guess we are talking about the same thing only we do not recognize it. He said there should be no question of the fact that the skins taken were over 2 years of age. I presume that is what you mean, too.

Finding that they could not get any change in the rules of May 1, 1904, ordered, so that they might be easier to nullify on the islands (for nullify them the lessees at once did), they sets to work and *Lembkey got busy with Liebes in planning a change in the rules of the Hitchcock Order of May 1, 1904, which prevented them from taking yearlings, without a good deal of trouble.*

*They succeeded in 1906, after Hitchcock left the Department of Commerce and Labor, and not until then.*

After Mr. Hitchcock went into the Postmaster General's office, March, 1905, Lembkey succeeded in lowering the minimum 5½-pound standard weight set by "Hitchcock rules," to 5 pounds by March 9, 1906, and so took the "yearlings" for the lessees, easier, as "2-year-old male seals," and falsely certified them as such! *The lessees not only objected to the 5½-pound limit which shut out the yearlings, but they claimed the right to kill all the 4-year-olds as well! as shown by the following testimony in Hearing No. 9, p. 454, April 13, 1912, to wit:*

Mr. ELLIOTT. *When these Hitchcock rules were published in 1904, and you went out to San Francisco, was any protest made to you by the lessees?*

Mr. LEMBKEY. You know perfectly well that there was, Mr. Elliott.

Mr. ELLIOTT. *What did you tell them, Mr. Lembkey?*

Mr. LEMBKEY. Perhaps since you have in mind my report for 1904 which makes mention of those protests from the company, I had better refer to those so that the committee may know just exactly what was done. On page 81 of Appendix A of these hearings in which is published my annual report as agent in charge of the seal fisheries for the year 1904 I discuss the following under the subheading "protests from the company":

"While the North American Commercial Co. complied in every particular this summer with the regulations of the department, I received from its officers several protests against the department's action in restricting the catch of the company."

This report is addressed to Mr. Hitchcock:

"Upon receipt of your letter of May 12 last prescribing a 5½-pound limit on 2-year-old skins, I notified Mr. Taylor, the president of the company, of the contents of the letter. He at once entered a vigorous protest. Upon my informing him that I had no option in the matter, he appealed directly to the department, and held the company's vessel in Sausalito for half a day until the receipt of the department's reply. With that matter, however, you are familiar.

"Upon arrival at the islands, while discussing the coming season's work with Mr. Redpath, the company's general agent, I mentioned the prohibition against the killing of 4-year-olds, and stated that, to give effect to this prohibition, I would place a limit on large skins of from 8½ to 9 pounds. Mr. Redpath at once expressed surprise at the existence of this prohibition and entered a vigorous protest against any interference with the killing of 4-year-olds. He produced a copy of the department's instructions to me and quoted from the clause relating to the restriction of killing in support of his argument."

Then finding that there was an easy way to nullify these "reservations" of the Hitchcock Rules, the lessees quickly used a pair of sheep shears and "branded" the "spared" seals as follows: All this done with the servile collusion of the agents of the Government:

To provide a definite reserve of male life for breeding purposes the agents tell me they drove up in the early part of the season, and before killing was begun by the company, 2,000 bachelor seals of 2 and 3 years of age and shaved their heads with sheep shears, thus marking them so that they can be identified by the clubbers and exempted on the killing field. These shaved heads constitute a large part of the animals turned back at each killing. It is to be noted that among those turned back without brand there are none which show evidence of the clipping of last season. It may be inferred, therefore, that the fur and water hair is replaced during the winter. The identification mark is not a permanent thing, but one designed to serve for the current killing season. To insure these animals exemption for breeding purposes next year they must be again shaved next June.



In the killing this morning it may be noted that 27 animals with shaved heads, designated as 3-year-olds, were released, but of the unbranded animals released only 5 are designated as 4-year-olds. It is only a supposititious case, but if we assume that twenty-seven 3-year-olds were exempted by the shaving of last season, here are only 5 that have successfully run the gauntlet of the second year.

In a word the marking of a 2 or 3 year old seal by a temporary mark which is obliterated by the following season, the animal still being killable as a 3 or 4 year old, is futile for the purpose of establishing a breeding reserve.

There is another criticism that may justly be brought against this method of marking; that is, clipping or shaving the head—it does not in any way impair the value of the skin. Undoubtedly this is a provision to prevent loss through carelessness. If a clubber accidentally strikes a shaved seal its skin is as good as any other, and such accidents occur, although infrequently.

The criticism, however, lies in this: The skin is just as valuable to the pelagic sealer as if it were not marked. The shaving of the head is a good plan for identification by the clubber. It would be unwise to attempt to burn a brand on the seal at this point, but while the animal is caught for the purpose of shaving, a permanent burned brand should be placed on the back or shoulder which will mar the value of the skin to the pelagic sealer. If it mars the value of the skin also from the company's point of view, then greater care should be taken in clubbing the animals. The present plan puts a premium on carelessness, and an animal exempted this season is liable to be killed next season. The only way to prevent this is to shave the head of this year's 2-year-old next year as a 3-year-old, and again as a 4-year-old the third season; all of which is a useless waste of energy. (Report Geo. A. Clark, Sept. 30, 1909, pp. 885, 886; Appendix A, June 24, 1911; H. Com. Exp. Dept. Com. & Labor.)

*In getting the Hitchcock minimum limit of "5½ pounds" REDUCED to "5 pounds," Lembkey and Liebes succeeded in getting it done without any warrant, in 1906, and so confess it, when cross-examined, to wit:*

[Hearing No. 9, pp. 449-451, 450, April 13, 1912.]

Mr. ELLIOTT. Mr. Lembkey, when you made that statement in 1901, you went to Mr. Hitchcock and recommended a 5-pound limit. *What did he tell you in 1904?*

Mr. LEMBKEY. I do not remember just what he did tell me, Mr. Elliott.

Mr. ELLIOTT. *Did he not tell you that you were taking yearling skins?*

Mr. LEMBKEY. No, sir; *he told me that you had made the charge that we were taking yearling skins.*

Mr. ELLIOTT. Was he not impressed with the fact that you were taking yearling skins?

Mr. LEMBKEY. *No, he was not.*

Mr. ELLIOTT. *Yet he fixed the limit five and one-half pounds?*

Mr. LEMBKEY. He did it solely as I have stated—to place the limit so high that you nor any other man could make any objection to the policy of the department.

Mr. ELLIOTT. That was very correct on his part, was it not?

The CHAIRMAN. Never mind about that.

Mr. ELLIOTT. When Mr. Hitchcock left the department who succeeded him?

Mr. LEMBKEY. As chief clerk? I think Mr. Bowen did.

Mr. ELLIOTT. Mr. Bowen. *Did you again renew your recommendation?*

Mr. LEMBKEY. I do not remember that I recommended that the weight be reduced to 5 pounds in 1905, Mr. Elliott.

Mr. ELLIOTT. *That order of reduction was made in 1906?*

Mr. LEMBKEY. *In 1906.*

Mr. ELLIOTT. Who was the chief clerk then?

Mr. LEMBKEY. I presume Mr. Bowen was.

Mr. ELLIOTT. *And you again made the recommendation?*

Mr. LEMBKEY. Not to Mr. Bowen; no. *The recommendation was made, I think, to the Secretary, but it was made through Mr. Sims, the solicitor of the department, who then had charge of the seal business.*

Mr. ELLIOTT. Have you any table of weight measurement of your own making which warranted you in making that recommendation?

Mr. LEMBKEY. I had not. I expressed that as my opinion.

THE "SALT WEIGHT" DECEPTION BY LEMBKEY, IN 1904; REPEATED BY MARSH, 1911; AND SWORN TO, BY EVERMANN, JULY 30, 1912, IN ORDER TO DECEIVE AND FALSIFY THE RECORD OF KILLING YEARLING SEALS.

The trick.—*He "shakes all the salt off," then weighs them after six days' curing.*

[P. 79.—Appendix A; Lembkey, Sept. 7, 1904.]

#### EXPERIMENTS IN WEIGHTS OF SALTED SKINS.

In connection with the weighing of individual skins on the killing field, it was thought wise to determine whether or not skins gained or lost weight after being salted. Should any discrepancy of this kind occur, the weights of these skins in London would not coincide with those taken on the islands.

On July 17, 107 skins taken at Tolstoi were weighed individually, and, after being immersed in salt water to keep them moist during the journey from the field to the salt house, were salted. Their aggregate weight on the field before wetting was 705 pounds. On July 23 they were taken out of salt and reweighed, when their aggregate weight was 759½ pounds, a gain of 54½ pounds on 107 skins, or one-half pound a skin. *As the salt was thoroughly shaken off these skins*, the accretion of water from dipping them in the lagoon may be represented by the gain in weight.

On July 26 I weighed 100 skins, nearly dry, on a platform scales at the salt house, finding them to weigh 644½ pounds. They were then salted. On July 30 they were hauled out of salt and reweighed, when their combined weight was 643½ pounds, a loss of 1 pound on 100 skins. These may be taken as typical to show the effect of salt and water upon skins. I was not able to experiment with perfectly dry skins after the date mentioned, but I believe the latter will show a slight loss of weight after being in salt for a period.

Very truly, yours,

W. I. LEMBKEY,  
*Agent in Charge Seal Fisheries.*

Mr. F. H. HITCHCOCK.

*Chief Clerk, Department of Commerce and Labor.*

*Lembkey has not truthfully stated this experiment: He made the following entry himself, in the official journal of his office on St. Paul Island and did not water those skins, then (that was an afterthought) he does not shake off all the salt, either.* (P. 149.)

SATURDAY, JULY 23, 1904.

On July 18, 107 skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the kench and reweighed. At the time of killing they weighed 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin.

Then, *Lembkey swears, April 13, 1912, that he has never weighed these skins after salting.*—(p. 446 Hearing No. 9, H. Com. Exp. Dept. Com. & Labor.)

Mr. ELLIOTT. Mr. Lembkey, you say you have never weighed these skins after you have salted them? You have never weighed them?

Mr. LEMBKEY. I have never weighed them after the salting on the islands; no, sir.

Lembkey's trick is repeated by Marsh and Evermann, 8 years later. (Hearing No. 14; pp. 974, 975; July 29, 1912.)

DR. EVERMANN. Last year, when Mr. M. C. Marsh, naturalist, fur-seal service, went to the Pribilof Islands, he was instructed to make certain investigations, one of which was to determine by actual experiment the effect that salting has upon the weight of fur-seal skins. He made a very careful investigation of the matter, and his report

has just been received. It is so interesting and valuable that I wish to put it in the record. *His investigation settles the question conclusively and for all time. It shows that salting causes fur-seal skins to lose weight.* The report is as follows:

\* \* \* \* \*

"The average loss of weight for the whole 60 skins is 0.63 pound, or 10 ounces. This is an understatement of the average loss of weight, which, I believe, is at least an ounce greater. The reason is that it is practically impossible to mechanically remove all the salt from the skins before reweighing. They were shaken, swept, and brushed, but a few grains and crystals of salt were always left adhering to each side of the skin. Obviously it would not do to wash them off. By more carefully cleaning a few of the reweighed skins and then again weighing them, I estimate this residual salt to average an ounce or something more."

Against the above, observe the following facts, to wit:

In the village salt house, St. Paul Island, July 29, 1913, 400 fur-seal skins which had been taken July 7, 1913, weighed "green," and put into salt there, were taken out of the kench, salted, and bundled for shipment, and then weighed. This weighing declared the fact that the salt-cured skins had been increased over their "green" weights all the way from a minimum of one-half pound to a maximum of  $1\frac{1}{2}$  pounds per skin. (See table of 400 skins; pp. 102-105; Rept. Spl. Agents; H. Com. Exp. Dept. Commerce, Aug. 31, 1913.)

#### SELF-CONFESSED OFFICIAL DECEIT IN RE YEARLING SEALSKINS.

To show that Mr. Lembkey in his report to the Secretary of Commerce for 1904 was deliberately deceiving the department as to the size and weight of yearling sealskins, the following deadly parallel on himself is drawn, since it is of his own making.

On September 7, 1904, Lembkey says in his official report (p. 77. Appendix A):

On July 1 there were 3 yearling seals in the drives at Northeast Point. One of them, a typical specimen, was knocked down at my direction to ascertain the weight of the skin. It was found to be a female. The carcass before sticking weighed 34 pounds, and the skin taken off hurriedly, with considerable loose blubber adhering, weighed  $4\frac{1}{4}$  pounds. The removal of this loose blubber left the skin weighing only  $3\frac{1}{8}$  pounds.

While no further effort was made to determine the weight of yearling skins, this instance shows that the skins of this class of animals are far below the limit of weight now prescribed by the department, and are too small to have appeared in the company's catch at any time, except by an accident in clubbing.

Then, on April 13, 1912, to the House committee, he testifies that he knows that yearling sealskins weigh from 4 to  $4\frac{3}{4}$  pounds (see p. 435, Hearing No. 9), to wit:

Mr. LEMBKEY. As I stated to the committee, I knew nothing whatever about the measurements.

Mr. ELLIOTT. How do you know anything about the weights?

Mr. LEMBKEY. Because I have taken the weights.

Mr. ELLIOTT. Oh, you have?

Mr. LEMBKEY. I have taken the weights on the island of all sealskins weighed there.

Mr. ELLIOTT. You have? I want to call your attention to this, and the attention of the committee. You say you have taken note of the weights?

Mr. LEMBKEY. I have testified before the committee that every skin taken on the islands except a few that inadvertently were omitted were weighed there.

Mr. ELLIOTT. What is the weight of a yearling fur-seal skin?

Mr. LEMBKEY. I weighed very few yearling skins, but they would usually run up to 4 or  $4\frac{1}{4}$  pounds.

On April 13, 1912, when under oath before the House Committee on Expenses in the Department of Commerce and Labor, Mr. Lembkey testified that the length of a yearling seal of his own identification

and measurement was  $39\frac{1}{2}$  inches, thus (p. 442, Hearing No. 9, House Committee on Expenses in the Department of Commerce and Labor; Hearing No. 10, pp. 639, 640, May 2, 1912):

Dr. EVERMANN. Do you know that Mr. Fraser states that the process of dressing skins instead of stretching them rather shrinks them?

Mr. ELLIOTT. No; he hasn't said so anywhere. Now, Mr. Lembkey said, on page 442, that he had measured a yearling seal—three of them. He says here [reading]:

"Mr. LEMBKEY. The length of a yearling seal on the animal would be from the tip of the nose to the root of the tail,  $39\frac{1}{2}$  inches in one instance and  $39\frac{1}{2}$  inches in another—

"Mr. ELLIOTT. Yes.

"Mr. LEMBKEY. And 41 in another. I measured only three.

"Mr. ELLIOTT. Yes."

Do you dispute those measurements?

Dr. EVERMANN. I do not dispute them.

Here we have the Bureau of Fisheries joining in with Lembkey in declaring that the length of a yearling seal is  $39\frac{1}{2}$  inches. Now, Mr. Lembkey, on page 443, Hearing No. 9, tells the committee that the length of the skin of this yearling seal as he (Lembkey) removes it is  $36\frac{1}{2}$  inches long, thus:

Mr. ELLIOTT. Then that would leave a yearling skin to be 35 inches long?

Mr. LEMBKEY. No; if it was  $39\frac{1}{2}$  inches long it would leave it  $36\frac{1}{2}$  inches. That is, all of the animal, from the tip of the nose to the root of the tail, would be  $39\frac{1}{2}$  inches long. Three inches off that would leave  $36\frac{1}{2}$  inches.

Now, what is the weight of Mr. Lembkey's yearling skin which he has taken and declared to be  $36\frac{1}{2}$  inches long? He tells the department on September 7, 1904, in a carefully prepared report, as quoted above, that it is "only  $3\frac{1}{8}$  pounds."

Is he telling the truth? Observe the following part of list of 400 tagged 32-36-inch long skin weights which he made himself July 7, 1913, on St. Paul Island, and affixing the tags thereto himself, declaring those weights duly registered by himself:

*Record of seals taken and weights recorded of skins, July 7, 1913, made by W. J. Lembkey.*

Tagged No. of skin.	Green weight of skin.		Measurements (length) of these same skins (taken and weighed by Lembkey), made July 29, 1913, by Elliott and Gallagher.
	Lbs.	Ozs.	Inches.
4623.....	5	$11\frac{3}{4}$	32
4318.....	7	$11\frac{1}{2}$	34
4273.....	6	10	34
4406.....	6	11	34
4294.....	8	$2\frac{3}{4}$	36
4246.....	5	$15\frac{1}{2}$	31
4244.....	4	$3\frac{1}{2}$	32
4751.....	6	1	32
4275.....	8	$7\frac{1}{4}$	32

The above citation of a few of the 400 tagged and weighed skins which are all given in extenso by the agents of the House Committee on Expenditures in the Department of Commerce, August 31, 1913, shows that Mr. Lembkey deliberately deceived the department, September 7, 1904, when he declared that he "determined the weight of a yearling sealskin" to be " $3\frac{1}{8}$  pounds."

That these measurements are reliable when made "in the salt," Mr. Lembkey testifies at length to the House Committee on Expenditures in the Department of Commerce and Labor; Hearing No. 10; pages 399-340, as follows:

Mr. LEMBKEY. I have attempted to state that in measuring a green skin it is impossible to find out its exact length when you lay it on the ground, because it may curl up, or roll, or stretch, and it can only be measured after it has become hardened by salt.

Mr. MCGILLICUDDY. Then it will not stretch?

Mr. LEMBKEY. Certainly not.

Mr. MCGILLICUDDY. That is the proper time to measure it, after it has become rigid and stiff?

Mr. LEMBKEY. Certainly.

Mr. MCGILLICUDDY. You can not then stretch or shrink it?

Mr. LEMBKEY. No, sir.

Mr. MCGILLICUDDY. With an honest measurement of that kind of skin, would it not determine the age?

Mr. LEMBKEY. I fancy, yes.

Mr. MCGILLICUDDY. Is there any doubt about it?

Mr. LEMBKEY. I do not think so. I say, fancy, because I never attempted to judge of age by the measurements.

Mr. MCGILLICUDDY. In that way, if anybody wanted to, they could not deceive, because you say they could not stretch it?

Mr. LEMBKEY. You could not stretch it after it had been salted four or five days, because the skin then is not very pliable.

Mr. MCGILLICUDDY. Then it is your idea that measurement is reliable after a certain number of days?

Mr. LEMBKEY. Yes, after it has been in salt, but when the skin is green it would not be a reliable test.

Those measurements of Mr. Lembkey's yearling skins (31-36½-inch skins) as taken and weighed by himself, July 7, 1913, were made in the salt-house kench of St. Paul Island, in the presence of Messrs. Hatton, Clark, Whitney, and Lembkey, of the Bureau of Fisheries, and Messrs. Elliott and Gallagher for the House Committee on Expenditures in the Department of Commerce; they were all agreed upon as correct when taken and recorded, July 29, 1913, by the gentlemen above named.

#### AN EXHIBIT OF THE COMMUNITY OF INTEREST BETWEEN THE LESSEES OF THE SEAL ISLANDS OF ALASKA AND CERTAIN OFFICIALS OF THE STATE DEPARTMENT AND BUREAU OF FISHERIES, 1890-1905, IN PROMOTING A FRAUDULENT CLAIM AT THE HAGUE, JUNE, 1902.

THE COMMUNITY OF INTEREST EXISTING BETWEEN THE SEAL LESSEE, LIEBES, AND THIRD ASSISTANT SECRETARY, H. H. D. PEIRCE, UNITED STATES STATE DEPARTMENT, IN THE BUSINESS OF PIRATICAL PELAGIC SEALING, AS COVERED BY THEIR ASSOCIATION WITH ALEXANDER M'LEAN, AND HIS EMPLOYMENT BY LIEBES, CULMINATING IN 1905.

The sworn record of that association of McLean with Liebes begins in 1890, as follows. He was, during seasons of—

1890. In command of the *J. Hamilton Lewis*; H. Liebes, owner; raids Copper Island and gets off, August 1, with two men badly hurt.

1891. In command of the *J. Hamilton Lewis*; seized August 2, while raiding Copper Island with the crew of the *E. E. Webster*, owned by H. Liebes and commanded by his brother; vessel confiscated and he is imprisoned at Vladivostok a few weeks.

1892. In command of the *Rosa Sparks*, sealing schooner of San Francisco; no raids this year.

1893. In command of the steam sealer *Alexander*, flying the Hawaiian flag; he is caught by the U. S. S. *Mohican* raiding Northeast Point, St. Paul Island, in July, but escapes in the fog because the war vessel's engines were disabled.

The *Alexander* was owned by Isaac and Herman Liebes up to December 21, 1893. In November, 1893, Liebes's attorneys, Jeffries and Tingle, filed claims against Russia for damages in re seizure of the *James Hamilton Lewis*; those claims were put up to the United States State Department in the name of a "dummy" owner ("Max Waizman") and Alexander McLean, as an "American citizen lawfully engaged," etc. McLean's record since 1893, follows. He was during—

1894 to 1902. In command of various pelagic vessels, but under restraint from the lessees, since the claim of the *J. Hamilton Lewis* is being prepared and pressed, up to its successful end November 29, 1902, at The Hague.

1896. He appears as a "true American" before the claims award commission, which sits at Victoria, in settlement of damage suits against the United States Government for seized sealers and vessels in 1866-1889; he testifies, "at the peril of his life," for the American commissioners as to the value of the British boats seized. (See Rept. 2128, Senate bill 3410, 58th Cong., 2d sess.) He is in truth working for the highest figures obtainable from the United States Treasury, instead of the lowest.

1903. He can not be placed with certainty this year.

1904. He raids Copper Island August 2, in the "Mexican" schooner *Cervencita*; one of his men seriously shot.

1905. He attempts a raid on St. Paul Island, Northeast Point, but is driven off, he is sailing in the *Acapulco*, and defies arrest by United States agents, for he is a British subject; at Victoria British Columbia, in October, 1905.

Why did McLean defy arrest? Why was he undisturbed at Victoria? Why, when he had been indicted, August 19, 1905, in the United States District Court of California, San Francisco, charged with conspiracy to defraud the United States Government, under section 5440, Revised Statutes?

It was because the United States State Department, when asked (Sept. 16 and Oct. 16, 1905) by the United States consul at Victoria, Abraham E. Smith, to authorize and instruct him (Smith) to demand the arrest and extradition of Alexander McLean, agreeably to the terms of that above-cited indictment of August 19, 1905, refused to so "instruct" Consul Smith. The United States district attorney (Devlin), of the California District Court, had also asked (Sept. 7, 1905) Consul Smith to demand the arrest and extradition of McLean; but Smith replied that unless the State Department ordered this action on his part, he would not move in the matter—that he could not.

But Smith, nevertheless, did address a request in September (16th) to H. H. D. Peirce, (as Acting Secretary or) Assistant Secretary of State, for authority to make this demand on the British authorities at Victoria for McLean's arrest and extradition. Peirce made no answer. On October 16, 1905, Smith again called Peirce's attention to this fact, that McLean was still in Victoria, under indictment at San Francisco, but "unless specially instructed by the department to demand extradition," he, Smith, will not move in the premises (despite the urgent request that he do so, as made by United States District Attorney Devlin, of California), and that up to date (Oct. 16, 1905) "no such instruction has been received, and, therefore, the whole affair appears to be closed."

Now, why did Peirce, as Acting Secretary of State, when the United States consul, Smith, first asked him to authorize this demand for McLean's extradition (September, 1905), decline to do so and then so influence the Attorney General's office in Washington as to have the hint given Devlin in San Francisco that McLean could not be extradited, "according to the State Department," for this offense,

etc.; that he (McLean) "must be arrested by a British officer of the patrol fleet," etc.?

The reason is found in the report of the House Committee on Expenditures in the Department of Commerce and Labor, No. 1425, Sixty-second Congress, third session, page 4, to wit:

In 1893 proceedings were commenced in the State Department, claiming damages on the part of owners, master, and crew of the *James Hamilton Lewis*. H. H. D. Peirce and Charles H. Townsend, "sealing experts," of the United States Bureau of Fisheries, prepared the cases for the parties interested and presented the claim on the part of the United States against the Russian Government at The Hague in 1902, which resulted in an award of approximately \$50,000 in favor of the United States Government for the use of the parties interested, including Alexander McLean and Max Weisman, November 29, 1902. The said H. H. D. Peirce and Charles H. Townsend presented the claim of Max Weisman as the owner of the vessel *James Hamilton Lewis* before the tribunal at The Hague, when in truth and in fact the owner of said schooner at the time of its seizure was Herman Liebes, of San Francisco. The said H. H. D. Peirce and Charles H. Townsend represented to the tribunal in the trial of said case that Alexander McLean, the captain of said vessel, was an American citizen, when in truth and fact he was a British subject and notoriously known as a pirate. (See pp. 754, 755, Hearing No. 12.)

In Hearing No. 13, page 831, June 20, 1912, House Committee on Expenditures in the Department of Commerce and Labor, is the following:

STATEMENT OF ISAAC LIEBES.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your full name?

Mr. LIEBES. Isaac Liebes.

The CHAIRMAN. Where do you live?

Mr. LIEBES. In San Francisco.

The CHAIRMAN. And what is your business?

Mr. LIEBES. I am a merchant.

The CHAIRMAN. What kind of business as a merchant do you conduct?

Mr. LIEBES. Fur business, and I am also connected with the salmon business. I am vice president of the Northern Navigation Co., Northern Commercial Co., director in the North American Commercial Co., and I am connected with 9 or 10 other corporations in San Francisco.

The men indicted August 19, 1905, in re "*Acapulco*" in the United States District Court of San Francisco, were Alexander McLean, R. J. Tyson, S. E. R. de Saint, W. J. Wood, and W. J. Woodside, charged with conspiracy under section 5440, Revised Statutes.

In Hearing No. 4, page 184, July 11, 1911, House Committee on Expenditures in the Department of Commerce and Labor, is the following sworn record of—

THE PROGRESSION OF CAPT. ALEXANDER M'LEAN AS AN "AMERICAN CITIZEN."

1890. In command of the *J. Hamilton Lewis*; H. Liebes, owner; raids Copper Island and gets off, August 1, with two men badly hurt.

1891. In command of the *J. Hamilton Lewis*; seized August 2, while raiding Copper Island with the crew of the *E. E. Webster*, owned by H. Liebes and commanded by his brother; vessel confiscated and he is imprisoned at Vladivostok a few weeks.

1892. In command of the *Rosa Sparks*, sealing schooner of San Francisco; no raids this year.

1893. In command of the steam sealer *Alexander*, flying the Hawaiian flag; he is caught by the U. S. S. *Mohican* raiding Northeast Point, St. Paul Island, in July, but escapes in the fog because the war vessel's engines were disabled.

1894 to 1902. In command of various pelagic vessels, but under restraint from the lessees, since the claim of the *J. Hamilton Lewis* is being prepared and pressed, up to its successful end November 29, 1902, at The Hague.



1896. He appears as a "true American" before the claims award commission, which sits at Victoria, in settlement of damage suits against the United States Government for seized sealers and vessels in 1866-1889; he testifies, "at the peril of his life," for the American commissioners as to the value of the British boats seized. (See Rept. 2128, Senate bill 3410, 58th Cong., 2d sess.) He is in truth working for the highest figures obtainable from the United States Treasury, instead of the lowest.

1903. He can not be placed with certainty this year.

1904. He raids Copper Island August 2, in the "Mexican" schooner *Cervencita*; one of his men seriously shot.

1905. He attempts a raid on St. Paul Island, Northeast Point, but is driven off; he is sailing in the *Acapulco*, and defies arrest by United States agents, for he is a British subject; at Victoria, British Columbia, in October, 1905.

1906. He raids St. Paul Island July 16-17, with a Japanese outfit; five Japs killed, and 12 prisoners taken; there is a fleet engaged in this raid, which attacked five rookeries at once and on the same days; they got away from all of them, except Northeast Point, with seals and no casualties.

The *Alexander* was owned by Herman Liebes up to December 30, 1891; then transferred to "H. Liebes & Co.," and owned until December 27, 1893; then transferred to Pacific Trading Co., in which Liebes was a director.

The *E. E. Webster*, owned by Herman Liebes up to October 21, 1893; then transferred as "owned" by dummy "Max Waizman" to the Pacific Trading Co.

The *Acapulco* was outfitted in San Francisco, March 5, 1904, and her captain, McLean, was indicted for conspiracy there, August 19, 1905; he was charged with "equipping and furnishing supplies" for the *Acapulco* in San Francisco Bay, in May, 1905.

During the trial of McLean's associates in the southern district California court, Capt. Alexander Woodside, president of the "Pacific Trading Co.," was unable to give to the court the names of the directors of his company. "Ten barrels of beef" had been supplied to the *Acapulco* by the "Pacific Trading Co.," and the court wanted to find out who were the responsible men in its organization.

In re Herman and Isaac Liebes, as lessces, buying pelagic sealskins: 1890-1911.

Who was the Victorian agent of the Liebes, after Moss "died" in 1893?

In 1892, Morris Moss, of Victoria, B. C., made oath that he was the resident agent of H. Liebes & Co. (of San Francisco) and that he "bought from ten to twenty thousand pelagic fur sealskins annually" for Liebes.

On June 20, 1912, Isaac Liebes, under oath, made the following evasive and shifty, if not wholly false, answers to the questions as stated below (Hearing No. 13, p. 881, June 20, 1912, House Committee on Expenditures in the Department of Commerce and Labor):

The CHAIRMAN. Do you know Morris Moss?

Mr. LIEBES. I did know him; yes.

The CHAIRMAN. Was he connected with your firm at any time?

Mr. LIEBES. He used to be a buyer in Victoria at one time for H. Liebes & Co.—I think about 25 years ago. I think he has been dead twenty-odd years.

The CHAIRMAN. Who succeeded him for you?

Mr. LIEBES. He never had a successor there.

The CHAIRMAN. Where was he from?

Mr. LIEBES. He was a resident of Victoria; I do not know where from.

The CHAIRMAN. Then he bought skins for you at Victoria?

Mr. LIEBES. He bought all kinds of skins for H. Liebes & Co., mostly land furs, beaver, mink, otter, and those things.

The CHAIRMAN. And sealskins, too?

Mr. LIEBES. He might have done so; I do not remember any sealskins, but possibly in those early days he might have bought some.

If Liebes tells the truth, Moss must have died almost immediately after this sworn deposition in 1892 was made by him as above cited and quoted in volume 5, Proceedings Tribunal Arbitration, 1893, pages 670, 671.

Liebes swears that Moss, who "died" in 1893, had no successor for his place as the "resident agent of H. Liebes & Co." He asks the committee to believe that a business of "buying from ten to twenty thousand pelagic fur sealskins annually" from the hunters at Victoria, B. C., was abandoned by the Liebes when Moss died. (Vol. 2, Proceedings Tribunal Arbitration, 1893, p. 341; see Morris Moss's deposition.)

That Liebes had not only had an agent in Victoria busy in buying pelagic sealskins, but also, like Moss, a member of the Victoria Sealers' Association, immediately after Moss's death up to the day that the Hay-Elliot treaty went into effect, December 15, 1911, will be found a matter of business record in Victoria when a competent search for it is made.

*H. H. D. Peirce under oath admits that he knew that the Liebes were the owners of the James Hamilton Lewis. (Hearing No. 13, pp. 779-782, May 29, 1911, House Committee on Expenditures in the Department of Commerce and Labor.) This admission is made by him, to wit:*

THE COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
Wednesday, May 29, 1912.

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

STATEMENT OF MR. H. H. D. PEIRCE.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your full name?

Mr. PEIRCE. Herbert Henry Davis Peirce.

The CHAIRMAN. What is your profession?

Mr. PEIRCE. I am a diplomat.

The CHAIRMAN. Well, you are a lawyer by profession?

Mr. PEIRCE. An international lawyer; I am not a member of the bar.

The CHAIRMAN. What is your present occupation?

Mr. PEIRCE. I am one of the counsel for the Government in the American-British Claims Arbitration.

The CHAIRMAN. What was your position with the Government some years ago?

Mr. PEIRCE. I was first secretary of legation at St. Petersburg, and after it became an embassy, secretary of embassy. I was the Third Assistant Secretary of State.

The CHAIRMAN. You may tell the committee what the real issue was before the tribunal as to the *James Hamilton Lewis* case.

Mr. PEIRCE. The Russian Government had seized the *James Hamilton Lewis* for poaching, as they call it, seals on the Copper Island. The *James Hamilton Lewis* was arrested outside of the 3-mile limit. She was on her way; the captain alleged that the weather was thick, and that he had proceeded to Copper Island in order to get his bearing—whether that is true or not I do not know, but it was a thing disputed—and there was lying off around the southern extremity of Copper Island a Russian cruiser which the master of the *James Hamilton Lewis* could not see, and as he came up toward the island he must have been pretty well within the 3-mile limit, for if he saw the vessel he certainly could have seen the island; the cruiser came around the point, and then McLean, who was the master of the *James Hamilton Lewis*, turned tail and sailed away.

The cruiser pursued her and pursued her beyond the 3-mile limit and there seized her. I claimed for the owners and officers and crew that her presence in Russian waters was innocent, that there was no corpus delicti, that she had gone there for a perfectly reasonable purpose, and was merely exercising the rights that any vessel had, and that her pursuit and capture beyond the 3-mile limit was a violation of her right to sail upon any sea.

The CHAIRMAN. It was decided, then, that she was not in Russian waters?

Mr. PEIRCE. The arbitrator accepted absolutely my argument.

The CHAIRMAN. In order to sustain your argument, it was necessary to prove that the master was an American citizen and that the vessel was owned by American citizens?

Mr. PEIRCE. Yes.

The CHAIRMAN. Who was the master?

Mr. PEIRCE. One Alexander McLean.

The CHAIRMAN. Can you tell from memory whether the Russians found some seal-skins when she was captured?

Mr. PEIRCE. My recollection is they did, and that damages were awarded for the seizure of those sealskins.

The CHAIRMAN. As well as for the property?

Mr. PEIRCE. As well as for the property and the loss of the probable catch.

The CHAIRMAN. If I am not mistaken, I think they had 424 skins.

Mr. PEIRCE. That is my recollection. I am somewhat vague.

The CHAIRMAN. You also proved to the satisfaction of the tribunal that the vessel was owned by American citizens?

Mr. PEIRCE. I filed such documents as I could obtain, which appeared to establish the owners' ip of the vessel.

The CHAIRMAN. Who were the owners?

Mr. PEIRCE. *H. Liebes & Co., I believe.*

The CHAIRMAN. Who were they?

Mr. PEIRCE. I can only answer from hearsay.

The CHAIRMAN. Just in a general way.

Mr. PEIRCE. I think they were dealers in sealskins or promoters of pelagic sealing, or something of that sort; I do not know.

The CHAIRMAN. You finally settled. You may tell the committee what your compensation was, if you will?

Mr. PEIRCE. Certainly. My compensation in the case of the *C. H. White*, and I think also the *Kate and Anna*—I am not sure of that—no; my compensation in the case of the *C. H. White*, for which I recovered an award of \$52,000, was \$5,000, less my counsel fees, which amounted to \$1,000. I received \$4,000.

The CHAIRMAN. Did anybody else receive any compensation?

Mr. PEIRCE. I do not know. I presume James Embry got a large compensation, but I do not know.

The CHAIRMAN. Who went with you to The Hague tribunal?

Mr. PEIRCE. Mr. Townsend. I forget his initials.

The CHAIRMAN. Charles Townsend.

Mr. PEIRCE. He had been employed, I think, by the Treasury Department when the care of the seal herd was under the Treasury Department.

The CHAIRMAN. He was sent with you as an expert?

Mr. PEIRCE. As an expert.

The CHAIRMAN. To assist you in presenting the case?

Mr. PEIRCE. Yes, sir; as a witness.

The CHAIRMAN. Did he receive any compensation?

Mr. PEIRCE. That I do not know. He received, if my recollection serves me aright, his traveling expenses, which I think I paid to him, to be refunded out of the award.

The CHAIRMAN. Did you pay him any money out of your fee?

Mr. PEIRCE. No, sir. (Townsend, Bureau of Fisheries "Expert," aids Peirce, p. 784.)

#### ISAAC LIEBES FALSIFIES IN RE OWNERSHIP, AND INTEREST IN THE BUSINESS OF PELAGIC SEALING AND ITS PRACTICAL PROMOTION, AS A LESSEE OF THE SEAL ISLANDS. 1890-1903.

Mr. FAULKNER. Mr. Liebes, will you state to the committee whether you were interested in the *J. Hamilton Lewis*?

Mr. LIEBES. *No; not to my knowledge.* (P. 833, Hearing No. 13, June 18, 1912.)

The CHAIRMAN. You were the owner at one time of the *J. Hamilton Lewis*?

Mr. LIEBES. *I was not.*

The CHAIRMAN. Was it not transferred to you by Herman Liebes?

Mr. LIEBES. Never, that I know.

The CHAIRMAN. I simply wish to call your attention to the fact that there is a certificate from the custom officers to the effect that it was recorded in the records of the Government in San Francisco that you were the owner at a certain date.

Mr. FAULKNER. I have never seen it.

Mr. LIEBES. If you will let me see it I will be glad.

Mr. FAULKNER. I have never been able to see that, but that Herman Liebes transferred it to H. Liebes & Co. The certificate appears on page 120.

The CHAIRMAN. Herman Liebes and H. Liebes & Co. (Inc.)—is that correct?

Mr. FAULKNER. Yes. There is a declaration on page 204 showing that Herman Liebes is the owner, and on page 120 there is a certificate showing that he transferred it to H. Liebes & Co. on the 17th day of September, 1890.

The CHAIRMAN. Yes; that is right.

Mr. FAULKNER. And subsequently, on the 29th day of July, 1891, transferred it to Max Waizman. (P. 856, Hearing No. 13, June 20, 1912.)

**PROOF, SELF-CONFESSED, BY LIEBES, THAT HE HAS FALSIFIED, AS ABOVE.**

The CHAIRMAN. Here is a document purporting to be signed by Max Waizman on the 22d day of December, 1902, which reads as follows: (P. 860, Hearing No. 13, June 20, 1912.)

"Know all men by these presents that *I, Max Waizman*, for value received, have sold and by these presents do grant, assign, and convey to unto *Isaac Liebes* all my right, title, and interest in and to my claim against the Russian Government for the seizure of the schooner *James Hamilton Lewis* by the Russian man-of-war *Alcut*, on August 2, 1891, whilst 20 miles off Copper Islands, en route to San Francisco, together with her apparel, equipment, boats, guns, stores, provisions, and 426 sealskins, and for breaking up the season's cruise, the same unto the said Isaac Liebes, hereby constituting and appointing said Isaac Liebes, my true and lawful attorney, irrevocable in my name, place, and stead, for the purpose aforesaid, to ask, demand, sue for, attach, levy, recover, and receive all such sum and sums of money which now are or may hereafter become due, owing and payable for or on account of all or any of the accounts, dues, debts, and demands above assigned; giving and granting unto the said attorney full power and necessary, as fully, to all intents and purposes, as I might or could do, if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that the said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

"In witness whereof, I have hereunto set my hand and seal the 22d day of December, 1902.

"MAX WAIZMAN.

"Witness—

"BEN. A. GOLDSMITH."

This was an assignment to you of all his right, title, and interest in the claim which he had against the Russian Government.

Mr. FAULKNER. I do not understand it in that way. I understand that is an assignment to H. Liebes & Co., with power of attorney to Isaac Liebes to collect this money.

The CHAIRMAN. No; it says:

*Have sold and by these presents do grant, assign, and convey unto Isaac Liebes* all my right, title, and interest in and to my claim against the Russian Government for the seizure of the schooner *James Hamilton Lewis*.

Mr. FAULKNER. Oh. I understood it to be to H. Liebes & Co.

Mr. LIEBES. I thought your question was whether he did not transfer the vessel to me.

The CHAIRMAN. Is this a correct statement of what took place?

Mr. LIEBES. I have no recollection of the document, but if any signature is on there it must be so.

**PEIRCE SWEARS THAT TINGLE TOLD HIM THAT LIEBES WAS THE OWNER, AND PRODUCES THE PROOF OF IT.**

The CHAIRMAN. Did you have all the affidavits and papers on me which were necessary to make out a case? I mean copies of the papers.

Mr. PEIRCE. To make out the case against the Russian Government, certainly. They are all published in Appendix 1 of Foreign Relations for 1902. They are all published in English. The original preparation of the case was in French. It is quite a volume and required a good deal of French writing.

The CHAIRMAN. The Liebes were interested in all the vessels—were they not?

Mr. PEIRCE. I have no knowledge of that, except by hearsay. *After the proceedings at The Hague, Geo. R. Tingle told me that they were, as I remember it, that they practically owned most of the pelagic sealing vessels. That is the impression I got from him in some way. I cannot be sure, however.*

The CHAIRMAN. In other words, they practically controlled the pelagic sealing and they were members of the North American Commercial Co.?

Mr. PEIRCE. I did not know any of that of my own knowledge. I simply heard it after the argument at The Hague from Tingle. I have this morning seen a letter which I wrote to my counsel, and in which I said that Tingle had informed me that the sale of the *James Hamilton Lewis* to Waizman was a mere cloak and that it was not bona fide sale. Whether that is true or not, I can not say.

The CHAIRMAN. You certainly thought it was true or you would not have written it? (P. 784, Hearing No. 12, June 4, 1912.)

Mr. PEIRCE. *I certainly thought it was true at the time, and I think it probably was. I simply quoted Mr. Tingle as having suggested that; I did not vouch for it.* (P. 785, Hearing No. 12, June 4, 1912.)

The CHAIRMAN. I understand that there is an affidavit on file, a copy of which is before me, an affidavit which it was necessary for you to use in order to substantiate the claim of the United States before The Hague tribunal. I will read the affidavit and will let you make such statement in connection thereto as you may desire. (P. 785.)

Mr. PEIRCE. No; I have never seen that affidavit, so far as I can remember, or heard of it. I am very sure that it was not used in that proceeding. I speak, of course, from memory. There were a great many documents filed in the arbitration, but I have no recollection of that and I do not think it was filed. You will be pleased to observe, sir, that that is Isaac Liebes. The owners were Herman Liebes & Co.

The CHAIRMAN. *But it was transferred by a bill of sale and Isaac Liebes is the man who turned up to get all the money so that there would not be any left for you.*

Mr. PEIRCE. I brought an injunction against Patton and Embry. Now that you speak of it, I believe Liebes did turn up in connection with the *James Hamilton Lewis*, but I brought no injunction against him, I think. I think we settled it by agreement because Tingle had filed an agreement with Liebes to pay him 25 per cent of the award and, as I remember, the department paid him that 25 per cent, he paying me the 10 per cent.

The CHAIRMAN. He even had a power of attorney from Max Waizman?

Mr. PEIRCE. Yes, sir; and I presume Patton in that connection said to me something about the sale of the *James Hamilton Lewis* to Max Waizman. (P. 786.)

#### ISAAC LIEBES IDENTIFIES TINGLE AS THE EMPLOYEE OF THE LESSEES FROM MARCH 12, 1890, TILL HIS DEATH IN 1906.

The CHAIRMAN. Who was George R. Tingle?

Mr. LIEBES. He was employed by the North American Commercial Co.

The CHAIRMAN. Is he living or dead?

Mr. LIEBES. I believe he is dead.<sup>1</sup>

The CHAIRMAN. When did he enter the employ of the North American Commercial Co.?

Mr. LIEBES. *Shortly after the lease.*<sup>2</sup>

The CHAIRMAN. And he became what? What did he do for the company?

Mr. LIEBES. I believe he was the company's representative on the seal islands.

The CHAIRMAN. Was he the general superintendent, or what was his title?

Mr. LIEBES. I really do not remember what his title was.

The CHAIRMAN. Did he continue during the whole period of the lease, or not?

Mr. LIEBES. No, sir; he died some time afterwards.

The CHAIRMAN. How long afterwards?

Mr. LIEBES. I really could not tell you.

The CHAIRMAN. Was he living in 1902, or not?

Mr. LIEBES. I can not tell you. (P. 846, Hearing No. 13, June 20, 1912.)

The CHAIRMAN. Mr. Liebes, it appeared that he filed some papers as attorney in the *J. Hamilton Lewis* matter.

Mr. LIEBES. Well, if you will let me see those papers, I will refresh my memory.

The CHAIRMAN. Do you not remember that George R. Tingle did file some papers in the *James Hamilton Lewis* case and signed them as attorney for the claimants?

Mr. LIEBES. I saw it in the record as I read it.

The CHAIRMAN. Yes, sir; that is in the record.

Mr. LIEBES. I have read it in the record.

<sup>1</sup> Tingle died in 1906.

<sup>2</sup> Lease given him Mar. 12, 1890.

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The CHAIRMAN. Mr. Elliott, do you know on what date those papers were filed?

Mr. ELLIOTT. They were first filed in 1893.

The CHAIRMAN. I understand that the Tingle papers were filed in 1893. At that time Tingle was in the employ of the North American Commercial Co., *was he not?* (Tingle employed 1890 to 1906. For 16 years.)

Mr. LIEBES. *Yes, sir; I believe so.* I am not certain about that, but *that is my impression.*

### PEIRCE IDENTIFIES TINGLE AS LIEBES'S AGENT, PAYING HIM, ETC.

The CHAIRMAN. What did you receive from the *James Hamilton Lewis* case?

Mr. PEIRCE. To the best of my recollection, I received the same amount, or a little less, from the *James Hamilton Lewis* case. I think *I received 10 per cent.* Mr. Tingle told me that he was entitled to 25 per cent, and that if he paid me 10 per cent, then he would pay somebody 5 per cent or 2½ per cent, and that would equalize it. (P. 785, Hearing No. 12.)

### LIEBES TRIES TO DENY THAT ORDER OF PAYMENT BY INDIRECTION.

The CHAIRMAN. Mr. Peirce stated to the committee that he was employed by George R. Tingle, who was the attorney who filed the papers.

Mr. FAULKNER. Attorney in fact.

The CHAIRMAN. In any capacity that you may choose to call it. Was George R. Tingle attorney in fact?

Mr. LIEBES. *I could not tell you, sir.*

The CHAIRMAN. He was then still in the employ of the North American Commercial Co., was he not?

Mr. LIEBES. What year do you mean?

The CHAIRMAN. When these papers were filed; I think it was in 1893.

Mr. LIEBES. *I believe he was employed in 1893;* I am not positive, but I think so. (P. 858, Hearing No. 12.)

### THE RECORD DECLARES THE FACT THAT LIEBES WAS THE "OWNER," 1890-1902; AND PAID TINGLE, PEIRCE, AND TOWNSEND FOR SERVICES, MARCH, 1903, AFTER THEY SECURED THE MONEY—NOVEMBER 29, 1902.

The CHAIRMAN. You filed a bond and drew the money after paying Peirce, Townsend, and Tingle, and there is a statement at which you may look.

Mr. LIEBES. *Yes, sir; I see that.*

The CHAIRMAN. In this connection I think we might as well let this memorandum become a part of the record. (P. 861, Hearing No. 13.)

Said memorandum follows:

#### RUSSIAN SEALING CLAIMS.

Claim of the owner and crew of the schooner *James Hamilton Lewis* against Russia. Amount received from Russia in settlement of the award made by the arbitrator, under convention of Aug. 26, 1900..... \$47,684.78  
Deducted by Department of State as reimbursement of the pro rata share of expenses incurred in arbitration..... 1,001.56

Available for distribution to claimants..... 46,683.22

Distribution made as follows:

<i>Herbert H. H. D. Peirce and George R. Tingle, for attorneys' fees, by direction of the schooner and attorney for crew.....</i>	<i>\$13,949.00</i>
<i>Isaac Liebes, assignee of the owner, and assignee and attorney for members of crew, under bond filed with the department.....</i>	<i>32,547.65</i>
<i>C. H. Townsend, pro rata share of \$410 paid to him for services as a sealing expert in giving expert testimony before arbitrator.....</i>	<i>186.57</i>
	<hr/> 46,683.22

The above amounts were paid to parties named by certificate of the Secretary of State on the Secretary of the Treasury, as per form herewith, in accordance with the provisions of the act of February 26, 1896.

Bureau of Accounts, May 28, 1912.

W. AF.

LIEBES KNOWINGLY VIOLATES HIS CONTRACT IN RE OWNERSHIP OF  
SAID "JAMES HAMILTON LEWIS."

The CHAIRMAN. Is it not a fact that when you signed the lease and gave bonds for its faithful observance, March 12, 1890, a pelagic hunting schooner, owned by your fellow lessee, Herman Liebes, was then at work hunting for seals at sea?

Mr. LIEBES. *I had no knowledge of it.*

The CHAIRMAN. You say you have no knowledge of it?

Mr. LIEBES. I say if such was the case, *I had no knowledge of it.*

The CHAIRMAN. Is it not a fact that the *James Hamilton Lewis*, the ownership of which was vested in Herman Liebes, had cleared, on or before March, 1890, from San Francisco, bound for hunting fur seals at sea?

Mr. LIEBES. *I have no recollection of that at all, sir.*

The CHAIRMAN. Is it not a fact that at the close of the season of 1890 the aforesaid *James Hamilton Lewis* had taken some 1,471 fur-seal skins at sea, or more of them?

Mr. LIEBES. *I have no knowledge of it.*

The CHAIRMAN. Do you mean to say, Mr. Liebes, that they did or did not, or that you don't know anything about it?

Mr. LIEBES. *I don't know anything about it.*

The CHAIRMAN. Is it not a fact that on or about August 1, 1890, the *James Hamilton Lewis* raided the fur-seal rookeries on Copper Island (Commander or Russian Islands), was fired on, two men badly wounded, but managed to escape capture? (P. 887.)

Mr. LIEBES. *I have no knowledge of that.*

The CHAIRMAN. Is it not a fact that on September 17, 1890, you, Isaac Liebes, president of the North American Commercial Co., became a part owner of the *James Hamilton Lewis*?

Mr. LIEBES. *I don't know anything about it. (P. 886, Hearing No. 13.)*

The CHAIRMAN. Did you know when you read the Windom lease that he had bound you in its terms not to engage in pelagic sealing, on the pain of penalties and the forfeiture of your lease and bonds if you did?

Mr. LIEBES. *I have never seen such a lease that I know of.*

The CHAIRMAN. Did Secretary Windom modify or change his draft of the new lease of May 1, 1890-May 1, 1910, in the least when you accepted and signed it March 12, 1890?

Mr. LIEBES. *That is a matter that I do not know anything about. (P. 887, Hearing No. 13, June 20, 1912.)*

The CHAIRMAN. Is it not a fact that when you signed the lease and gave bonds for its faithful observance, March 12, 1890, a pelagic hunting schooner, owned by your fellow lessee, Herman Liebes, was then at work hunting for seals at sea?

Mr. LIEBES. I had no knowledge of it.

The CHAIRMAN. You say you have no knowledge of it?

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The CHAIRMAN. Is it not a fact that on September 17, 1890, you, Isaac Liebes, president of the North American Commercial Co., became a part owner of the *James Hamilton Lewis*?

Mr. LIEBES. I don't know anything about it.



The CHAIRMAN. Is it not true that Isaac and Herman Liebes held this ownership of the said *James Hamilton Lewis* between them until July 29, 1891?

Mr. LIEBES. I have no personal knowledge of that.

Mr. FAULKNER. Mr. Chairman, I think he ought to be allowed to say, too, that the records show here that it was assigned in September, 1900.

The CHAIRMAN. Yes; I think he has said that. Will you repeat what the consideration was when Max Waisman transferred the interests that he had in the *James Hamilton Lewis* to you? I asked you that this morning, I believe.

Mr. LIEBES. Whatever the document calls for.

The CHAIRMAN. Mr. Liebes filed an affidavit with the Secretary at the time of the execution of the lease that he was not knowingly engaged in—

Mr. ELLIOTT (interposing). Pelagic sealing of any kind whatever; that was the distinct impression he gave to Mr. Windom.

The CHAIRMAN. Do you know how many pelagic sealskins were taken by the *James Hamilton Lewis* in 1890?

Mr. ELLIOTT. I only know from the sworn depositions of one of her hunters, George Wester, filed with the tribunal, 2,625 skins. (See S. Doc. 177, pt. 8, pp. 712-714, 53d Cong., 2d sess.)

The CHAIRMAN. I have a letter which I received in behalf of the committee stating that the *James Hamilton Lewis* ended a trip September 11, 1890, and had 1,464 sealskins, and the collector of the port of San Francisco questions the 2,625 skins as I had suggested in my letter to him. Can you explain the difference between those two sets of figures?

Mr. ELLIOTT. The deponent, Wester, who swears that those skins were taken, explains it in his affidavit. He says they were taken in the spring catch; before they went over to the Russian side they had eleven hundred and odd skins, which makes the 2,625 skins. The fourteen hundred and odd skins that came down to San Francisco September 11, 1890, came direct from the Russian islands.

The CHAIRMAN. And in 1890 the Liebes were the owners of the *James Hamilton Lewis*.

Mr. ELLIOTT. Yes; and so certified to The Hague by Peirce and Townsend, who did not deny it there. (P. 962. Hearing No. 14. July 30, 1912.)

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WASHINGTON, D., C., February 16, 1901.

HON. HERBERT H. D. PEIRCE,  
St. Petersburg.

MY DEAR Mr. PEIRCE: Yours of 18th January came duly to hand. I can well imagine how you feel toward my clients in the *James Hamilton Lewis* case; indeed, I had quite a spat with them in San Francisco on the question of advancing you \$500 on account of valuable services rendered, and made it clear to them they could not escape payment to you in the event of the arbitrators awards being unfavorable. I wish you render me a bill for money paid out in their behalf, that I may have it in hand as the opportunity may be presented for me to meet them before the conclusion of the case; if so, I will make another effort to secure a payment to you.

I feel myself it is a long dry spell. Surely the end is near at hand when we will get our pay with heavy interest to make up for the very shabby treatment you have received. Whatever award is made and paid will come through the State Department and by them paid to me as attorney of record, thus giving me the control of its distribution at this end of the line, which insures your fee and my own.

I thank you for the two copies of your presentation of the case, which by an oversight of the department were sent to Ed at Philadelphia. In a letter from him received to-day he informed me he had them and after reading would send to me. He said your work stands out very prominently in the able brief you submitted. He, with myself, feels quite indignant at my client's refusal of my request; rely on my squaring the goods satisfactorily when I get the check in my own hands. I thank you for your kind expressions to me personally, and hope to wind up this long drawn-out case to our mutual interests, the sooner the better, that we may have the benefit of our share.

As soon as you can give me an idea of the probable date of a decision, for my own information only, I would be glad to have it. Wishing you the greatest success.

I am, sincerely yours,

GEO. R. TINGLE.

WASHINGTON, D. C., *July 25, 1901.*

MY DEAR MR. PEIRCE: Your esteemed favor of 6th instant was duly received, inclosing copy of your rejoinder, which leaves nothing to add; it is complete. I at once called at the department. Judge Pennfield agreed to order the printing done, so that, as you say, closes our case.

I do hope no delay without the very best reasons will prevent the early consideration of the case by the arbitrator, so that his conclusion may be reached within the time.

The weather here is extremely oppressive; heat intense.

I congratulate you on the practical conclusion of your great labors in the Russian cases and hope for a substantial award as the result.

Yours, truly,

GEO. R. TINGLE.

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DEPARTMENT OF STATE,  
OFFICE OF THIRD ASSISTANT SECRETARY,  
*Washington, February 27, 1903.*

MY DEAR JUDGE COLE: I inclose herewith copies of papers authorizing me to act as counsel for the owners, officers, and crew of the *James Hamilton Lewis* and the *Cape Horn Pigeon*. My employment in the case of the *C. H. White* was similarly authorized, verbally. I also inclose dispatch to United States Ambassador at St. Petersburg, informing him that I had been appointed counsel for the Government, without compensation from the Government for my services.

I also send a copy of a letter received to-day by Mr. Tingle in answer to his letter to Herman Ganss, which I had supposed to be in reply to his letter to him asking for copies of papers which he was to file here, in the *James Hamilton Lewis* case. He has not sent the copies. I have advised Mr. Tingle to file his papers making claim for 25 per cent. I forgot to ask you whether you had looked up the question, to see whether you could find a citation giving a precedent for the Secretary of State to hold up 25 per cent on the basis of Mr. Tingle's contract with these people.

Yours, very truly,

HERBERT H. D. PEIRCE.

Judge CHARLES C. COLE,  
*Century Building, Washington, D. C.*

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*The genesis of Senate bill 3410, which was introduced to legalize and take to the United States Court of Claims the demands of 57 pelagic sealing vessels, owners, masters, and crews thereof, for damages. This bill was promoted chiefly by the Liebes's interests in Washington, D. C., with Don M. Dickinson as "chief attorney for claimants." Behind him were ex-Senator C. J. Faulkner and H. H. D. Peirce et al.*

THE BRIEFED CHRONOLOGY OF THIS BUSINESS, BEGINNING WITH THE AWARD OF THE BERING SEA TRIBUNAL, AUGUST 16, 1893, AND ENDING WITH THE DEFEAT OF SENATE BILL 3410, JANUARY 20, 1905.

*August 16, 1893.*—Award of Bering Sea Tribunal, Article VIII, provides for settlement of claims of British sealing vessels seized by the United States in the "open waters of Bering Sea," seasons of 1886-87-89, inclusive, etc.

*February 8, 1896.*—Convention agreed upon between Great Britain and the United States to settle said claims as designated in Article VIII of the award of the Bering Sea Tribunal. Victoria, B. C., is the appointed place for assembling the commission, and July, 1896, the time of meeting. There are 11 British vessels named as legal claimants. Don M. Dickinson is appointed senior counsel for the United States.

*December 17, 1897.*—An award is made by the Victoria arbitrators of \$414,000 damages for the British claimants.

*February 26, 1902.*—A convention (stimulated by Liebes and Elkins) is agreed upon between Russia and the United States to settle the claims of Liebes's vessel, *James Hamilton Lewis*, and three other American vessels seized by the Russian Government in the Okhotsk and Bering Seas during 1889–91. The Hague is named as place of convention meeting, and June 14, 1902, as date of said meeting. H. H. D. Peirce and C. H. Townsend are appointed as delegates of the United States to present and prosecute the claims of Liebes et al. before the arbitrator.

*November 29, 1902.*—An award of \$28,588 is given to the claimants in re *James Hamilton Lewis*, with "interest on that sum at 6 per cent per annum from 1st January, 1892, until the day of full payment." To the *Kate and Anna*, \$1,488 in United States money, with "interest on that sum at 6 per cent per annum until the day of full payment." To the *C. H. White*, the sum of \$32,444 in United States money with "interest on that sum of 6 per cent per annum, from 1st of January, 1893, to the time of full payment." To the *Cape Horn Pigeon* (whaling bark) the "sum of \$38,750 in United States money with interest on that sum at 6 per cent per annum from the 9th of September, 1892, until the day of payment in full."

*March 22, 1903.*—Liebes, Tingle, Peirce, and Townsend divide that *James Hamilton Lewis* award as made, on this day, total sum of \$46,682, between them.

*December 19, 1904.*—The success of these claimants at The Hague stimulated Liebes and his associates in the pelagic sealing industry to prepare and have introduced Senate bill 3410; they secured a favorable and unanimous approval by the Foreign Relations Committee of a report (No. 2128) on April 13, 1904 (written by their attorneys, Don M. Dickinson et al.). This bill carries the names of 57 sealing vessels, in which the entire list of Liebes's fleet appears, including that of the *James Hamilton Lewis*.

*January 6–20, 1905.*—Senate bill 3410 is defeated after a series of heated debates running through four daily sessions of the Senate, viz, January 6, 10, 19, and 20. Senators Platt (Connecticut) and Dolliver fight it. Senators Foraker, Fulton, Lodge, in chief, defend it, but can not secure its passage.

NOTE.—The sealing schooners which have been traced into the full, and part ownership of Herman and Isaac Liebes, are found in this bill as the *Mary Ellen*, the *San Diego*, the *Alexander*, the *Otter*, the *E. E. Webster*, the *James Hamilton Lewis*, and the *La Ninfa*.

#### ROOT'S LETTER "EXONERATING PEIRCE" AND THE FRAUD AT THE HAGUE CAN NOT BE FOUND.

Before the Ways and Means Committee January 25, 1907, ex-Senator Faulkner, of West Virginia, hired attorney of the seal contractors, had the following to say about a letter written by Secretary of State Elihu Root in 1906, which completely "exonerated" H. H. D. Peirce from any blame in The Hague fraud of 1902. He says on pages 44, 45, manuscript notes of hearing:

This subject came up when Mr. Peirce was appointed minister to Sweden, and the whole question was canvassed and examined thoroughly by the Committee on Foreign Relations of the Senate. It was at this time that Secretary Root wrote a letter exon-

erating and explanatory of the whole matter to the President. I tried to secure a copy of that letter to be embraced in this record, but unfortunately Mr. Root had gone to Canada, and I could not get it.

And Mr. Root returned the next day, January 26, 1907, and Mr. Faulkner lost all interest in that letter, because it did not even hint at these frauds at The Hague, or refer to that matter of the *James Hamilton Lewis*.

THE OFFICIAL RESPONSIBILITY OF CHARLES H. TOWNSEND FOR THE FRAUD PRACTICED AT THE HAGUE, JUNE 27—JULY 4, 1902, AND THE RECORD OF HIS WORK UP TO THAT DATE FROM 1883, AS AN AGENT AND PELAGIC SEALING EXPERT OF THE UNITED STATES COMMISSION OF FISH AND FISHERIES, WHICH GAVE HIM FULL AND COMPLETE ADVANCE KNOWLEDGE OF THIS BOGUS PRACTICE AFORESAID.

Dr. C. H. Townsend, under oath, made the following statement to the committee, May 24, 1912, to wit (pp. 734–735, hearing No. 12):

Dr. TOWNSEND. I have dictated some matter here and looked it over.

My acquaintance with matters pertaining to the fur seal may be stated briefly as follows:

Nine visits to the Pribilof Islands, covering the breeding seasons of nine different years, the first in 1885, the last in 1900. The average length of time spent on the Pribilof Islands figures up 35 days a year, including July and the earlier part of August. I have been there as early as June 1 and as late as October 10. These visits were made under the auspices of the Fish Commission, the Treasury Department, or the Department of State, and the work generally consisted in the preparation of charts showing the annual distribution of seals on the different rookeries and the making of photographs to demonstrate the correctness of the charts. During all of the later visits I participated in the annual census of the seal herd and frequently made cruises on Government vessels in the vicinity of the islands for the purpose of collecting information relative to pelagic sealing. The photographs and charts are now in the files of the Bureau of Fisheries and some of them have been published along with my reports on the condition of the seal rookeries and on pelagic sealing.

In July, 1895. I visited the Commander Islands—those are the Russian seal islands—and made photographs.

During the latter part of May, 1892, I visited Guadalupe Island, off the west coast of Mexico, for the purpose of making inquiries relative to the fur seal of Lower California. This work was done under the direction of the Secretary of State.

In 1902 I was sent by the Department of State to The Hague as sealing expert in the arbitration of sealing claims against Russia. In 1888, as naturalist of the fisheries steamship *Albatross*, I visited a rookery of the Antarctic fur seals in Tierra del Fuego and obtained specimens for the National Museum.

While connected with the fur-seal investigations of 1896–97 I collected the log books of 123 vessels engaged in pelagic sealing and prepared a large chart showing the distribution and migration of the American and Asiatic fur-seal herds.

I have just simply thrown that together to show that I have a certain familiarity with the subject.

This statement, carefully prepared and read from a typewritten sheet by Mr. Townsend, makes his relation to the fur sealing business of the United States Government, as an “agent” and “assistant” and a “sealing expert” of the United States Bureau of Fisheries, the United States Treasury Department, and the United States Department of State, perfectly clear and definite.

It shows that before Dr. C. H. Townsend was sent to The Hague in 1900 that he had had nine years’ experience personally with the fur-seal herd of Alaska and of study into the business of pelagic sealing, and his own record of the above experience is supplemented by the statement made by himself, in “Who’s Who” for 1912, that he was 43 years of age when he went to The Hague, possessed of all

that experience above cited with regard to the seals and their hunters in the sea.

A review carefully made by the committee of Dr. Townsend's record, as above given by him, from the official documents and records of the Treasury and State Departments and United States Fish Commission, in no respect differs from the relation of it as he has given it to the committee.

During the progress of Dr. Townsend's examination, on page 750, hearing No. 12, he further defines his experience as a "sealing expert" in the employ of the United States Fish Commission, to wit:

When I was detached from the work at the seal islands by this commission, in 1896, I went around among the sealers in revenue cutters and collected data to make a chart of seal migrations. I collected the log books of 123 vessels engaged in pelagic sealing at various times from 1883 to 1897, with an aggregate catch of 304,713 seals. I platted the known position of every one of these vessels on every day when a seal was killed in any part of the Pacific Ocean, throughout each month's sealing, in a different color, so that this chart, based as it is on the records of the sealing fleet from 1883 to 1897, shows where the seals actually were.

As Dr. Townsend first entered the service of the Government at Baird, Cal., in 1883, as an "assistant" of the United States Commission of Fish and Fisheries, this statement declares that he had had 14 years' experience with the whole business of land killing and sea killing of our fur-seal herd up to 1897. So, when he went to The Hague as the "seal expert" of the United States Bureau of Fisheries and the United States Department of State, he went there with all the authority which such a commission commanded, as based upon such an extended experience (p. 406-407, H. Doc. No. 1, 57th Cong., 2d sess.).

It will be observed that he says he had been busy making an exhaustive examination into the records of "123 vessels" engaged in pelagic sealing, at various times from 1883 to 1897.

As the *James Hamilton Lewis*, during the seasons of 1890-91, was one of the largest and most notorious of all the vessels in that fleet, it is not to be supposed for a moment that Dr. Townsend, familiar since 1885 with the whole story annually of land and sea killing, and especially charged with the duty of looking into all the details of pelagic sealing from 1883 to 1897, could have overlooked or shut his eyes to the prominent appearance of the *James Hamilton Lewis* in 1890 and her spectacular disappearance in 1891. How could he, when the daily papers of the Pacific coast recited at great length the strange and exciting details of this vessel's career in 1890 and finish in 1891? Columns of the newspapers of San Francisco were filled with the story of the remarkable catch—the "high-line" catch of the *James Hamilton Lewis* in 1890. See, for instance, the San Francisco Chronicle's issue of September 14, 1890, and in 1891 columns of the same city papers, all of them, again were given up, October 4, 1891, to the story of how she had been captured off Copper Island, August 2, while her crew was ashore killing seals as pirates. (See San Francisco Examiner and Chronicle, issues of Oct. 4, 1891.)

Therefore, when Dr. Townsend made the following answer to the committee, he told the truth (p. 754, hearing No. 12).

The CHAIRMAN. I will ask you some questions now. I call your attention to the matter appearing at pages 178 and 179 of these hearings. You will find there what purports to be an article which appeared in the Cleveland Leader, on Saturday, August 11, 1906. Do you know Capt. Alexander McLean?

Dr. TOWNSEND. Yes, sir; I knew one of the McLeans, and I think it was Alexander—no, sir; it was not Alexander; it was Daniel McLean, his brother, whom I knew.

The CHAIRMAN. Do you know who Alexander McLean was?

Dr. TOWNSEND. Yes, sir.

The CHAIRMAN. Who was he?

Dr. TOWNSEND. He was a man who led a great many raids on the seal islands; I think on the Commander Islands as well as the Pribilof Islands.

The CHAIRMAN. What was the name of his ship?

Dr. TOWNSEND. I can not say. He was at it a good many years and must have had a good many ships. I can not remember the names of them.

The CHAIRMAN. Did he own the *J. Hamilton Lewis*?

Dr. TOWNSEND. I might be able to answer that question if I had the proceedings of The Hague Tribunal before me. The *J. Hamilton Lewis* was one of the vessels in question there.

The CHAIRMAN. He was in the employ of Mr. Herman Liebes, was he not?

Dr. TOWNSEND. I do not know whose employ he was in. I can not say at the present moment.

The CHAIRMAN. The information I gather from this statement is that he was in the employment of Herman Liebes, who was one of the lessees in the North American Commercial Co.

Dr. TOWNSEND. I think it is stated somewhere in the The Hague Tribunal hearings that Liebes unquestionably owned sealing vessels while he was also an investor or shareholder, probably, in the Fur Seal Co. That is my recollection.

The CHAIRMAN. And one of the vessels was the *J. Hamilton Lewis*?

Dr. TOWNSEND. I think the *J. Hamilton Lewis* was Liebes's vessel.

Mr. McDERMOTT. Was that a vessel engaged in pelagic sealing?

Dr. TOWNSEND. Yes, sir.

Mr. McGILLICUDDY. When you say "sealing," do you mean pelagic sealing?

Dr. TOWNSEND. Yes, sir.

Mr. McDERMOTT. They are pirates, are they not?

Dr. TOWNSEND. Yes, sir.

As the "sealing expert" of the Bureau of Fisheries, he had in his own mind, by 1897, this direct personal knowledge of the character of that pelagic sealing which was known as "piracy," and familiarly called "raiding" by the sealers themselves. Only a few of those pelagic sealers as "captains," or "masters" of the fleet of "123 vessels" which Townsend was acquainted with (as he deposes on p. 750), were guilty of this raiding. These captains who, like Alexander McLean and his brother Dan McLean, were well known among all sealers and often unsparingly denounced by the law-abiding sealing-vessel owners and masters. Had Dr. Townsend been deaf, blind, and dumb during that period from 1885 to 1897, in which he told the committee he was "busy studying the records of these sealers," he then could not have escaped some knowledge of Alexander McLean as a British subject and "pirate" up to 1889 and then as a bogus "American citizen" in the *James Hamilton Lewis* during 1890 and 1891.

But he tells the committee that he did know McLean as a "raider" and a "pirate," on page 754, and Dr. Townsend also tells the committee that he knew that Liebes, lessee of the seal islands, owned the *James Hamilton Lewis* when he was promoting the claim of "Max Waizman" (the "dummy" owner) and the British pirate, Alexander McLean, as the "American owner and master" of the *James Hamilton Lewis* at The Hague, June 27–July 4, 1902. (See pp. 407–441, H. Doc. No. 1, 57th Cong., 2d sess.)



Now, what were those influences which caused this sworn official, Dr. Townsend, to present and urge upon the Court of Arbitration at The Hague this claim as a just and valid one, which he knew at at heart and in truth was a fraudulent one?

H. H. D. Peirce, Townsend's associate, as Third Assistant Secretary of State, says that he, Peirce, was in the game for the fees; for all the money he could get out of the award as such—he makes no bones about it; and so he sued Liebes and Tingle, April 7, 1903, for \$11,333.33 fees in re, this award for the owners and the master of the *James Hamilton Lewis*, viz, \$47,684.78. (See equity suit No. 23886; filed Apr. 7, 1903; United States Supreme Court, D. C.; H. H. D. Peirce v. Liebes and Tingle.)

But Townsend denies receiving any compensation, or having any personal interest in the matter, except to represent to the court that this *James Hamilton Lewis* was a vessel "lawfully cleared" and "lawfully engaged" in pelagic sealing. He describes his activities to the committee (p. 758, Hearing No. 12), to wit:

The CHAIRMAN. I do not want him to make a statement that he can not substantiate, but I would like to know now, Dr. Townsend, in what capacity you were at The Hague Tribunal in this matter?

Dr. TOWNSEND. In the progress of the work before The Hague Tribunal it became necessary for the Secretary to produce information on various sealing matters, such as the movements of sealing vessels. I carried along with me a trunk full of log books of sealing vessels. We would have before us the charges made by the Russian representative during the day, and we would work all night preparing something to refute the charges. I carried the log books that had been taken from the vessels.

So when the Russians charge this vessel, the *James Hamilton Lewis*, and her owners and master, with being illegally owned by the lessees, and as such, unlawfully engaged, together with the record of piracy, Townsend says that he "would work all night preparing something to refute the charges"!

Did Charles H. Townsend properly and truthfully refute the charges? Did he not deceive the court? Did any other "expert" at that time appear, who carried the indorsement of 10 years' experience as a "sealing expert" by his Government, before the court? No.

So, on the strength of Townsend's sworn statements made to the arbitrator, Dr. Asser, he awarded November 29, 1902, \$28,588 with interest at 6 per cent to the *Lewis* claimants (pp. 457-458, H. Doc. No. 1, 57th Cong., 2d sess.).

Indeed, the arbitrator had no other course; there was no one present to appear against Townsend who could show any "scientific" knowledge, or acquaintance whatever, with the business of pelagic sealing; and, that no doubt should remain in the minds of the interested parties as to whom he was indebted for that information which led him to make this award, Dr. Asser, (we are informed on p. 440, H. Doc. No. 1, 57th Cong., 2d sess.), states as follows, to wit:

#### SESSION OF FRIDAY MORNING, JULY 4, 1902.

The session opened at 10 a. m.

The arbitrator, Mr. Asser, expressed his thanks to the two powers who have been pleased to have done him the honor to confer upon him the office of arbitrator. He complimented the two delegates upon the preparation of the memorandum and the rejoinders, and assured them of his appreciation of the supplementary information. He thanked the experts also. The task of the Russian experts, who were obliged to express themselves in another language, was particularly difficult. They, nevertheless,



made clear more than one point. He particularly thanked Mr. Charles Townsend, who, by his works and his scientific knowledge, greatly facilitated the task of the arbitrator. He thanked the secretaries also.

The session adjourned at 11 o'clock.

This evidence supplied to the committee by Dr. Townsend himself, of his work at The Hague, makes it perfectly clear that he personally knew of the fact that Liebes owned the *James Hamilton Lewis*, and that as such she was illegally operating, with Liebes holding the lease of the Seal Islands. He also admits knowledge as early as 1897, at the latest, of "123 sealing vessels" and their masters. He could not have failed to know of the *James Hamilton Lewis* and the lessees' ownership of her, or of the fact that Alexander McLean was her master, and a British pirate; all of this must have been well known to him by 1897, for he says so, to the committee, on page 754, No. 12.

What was the interest, after all, which drew Dr. Townsend into making this false showing for the *James Hamilton Lewis* at The Hague? He denies receiving any money from Liebes thus (p. 819, Hearing 13):

Mr. MCGILLICUDDY. How large was your compensation from Isaac Liebes for your services as an expert at The Hague, June and July, 1902, in getting this award of \$50,000 for the owners, master, and crew of the *James H. Lewis*?

Dr. TOWNSEND. I was paid by the Fish Commission.

Mr. MCGILLICUDDY. What was your compensation?

Dr. TOWNSEND. I was not paid by Liebes at all.

At this point the committee finds that Dr. Townsend has been paid by Liebes one sum of \$186.57 for "services as a sealing expert," etc. (See p. 861, Hearing No. 13.) This sum he declares was not received from Liebes "at all." But the official record of its payment denies him. Was that all he received? Note the following:

On May 20th, 1902, and before Dr. Townsend started for The Hague with Third Assistant Secretary of State Pierce from Washington, D. C., Liebes's agent, George R. Tingle, who had secured the detail by George M. Bowers, United States Fish Commissioner, of Townsend for service in re *James Hamilton Lewis* claim, addressed a letter to the Secretary of State, in which he asked that Townsend be permitted to receive his "expenses and fees" for services as "sealing expert," out of any award that he, Townsend, should secure for the *Lewis* claimants at The Hague. Tingle makes the same request in this letter for the services of H. H. D. Pierce as "counsel" for the *Lewis* claimants. That this letter should have been written without the knowledge or consent of Dr. Townsend or Mr. Pierce is simply an idle assumption. This is the letter which declares the interest that both Townsend and Pierce had in this claim, as being for "expenses and fees" in return for the services to Liebes. (Equity Suit No. 23,886: *H. H. D. Pierce v. Liebes, Tingle, et al.*, April 7th, 1903; docket of the Supreme Court of the District of Columbia.)

WASHINGTON, D. C., May 20, 1902.

Mr. SECRETARY: In view of the request of the arbitrator that experts in whaling and sealing be sent to give expert opinions in the arbitration at The Hague and the importance of having the Hon. H. H. D. Peirce, counsel for the Government, present at the hearing, I have the honor to request on behalf of the claimants for the seizure of the *James Hamilton Lewis* that all expenses of such experts, and of Mr. Peirce as counsel, in making the journey to The Hague and return, be paid and charged pro rata to the claimants, such expenses to be deducted from the award allowed by the arbitrator and paid by the Russian Government.

As there are two classes of claims, one for sealing and one for whaling, I have the honor to request that the expenses and fees of the sealing expert be charged to the claimants in the sealing case.

I have further the honor to request that \$1,000 be paid to the Hon. Hertt H. H. D. Peirce for his unusual expenses up to date, and during his journey as an advance upon the contingent fee which will be due him from the award, and that the same be deducted from the award of the *James Hamilton Lewis* when paid.

I have the honor to be, sir, very respectfully, yours,

(Signed) GEO. R. TINGLE,  
Attorney for the owners, officers, and crew  
of the *James Hamilton Lewis*.

To the Hon. JOHN HAY, *Secretary of State*.

The committee can find no exact record of the full compensation which Dr. Townsend received for his "expenses and fees" as paid to him by Liebes, agreeably to the above understanding.

When Liebes was interrogated (see pp. 894-895, Hearing No. 13) he said:

The CHAIRMAN. Now, here is something that I did not ask Mr. Liebes. In the case of the damages of the *James Hamilton Lewis*, did you settle with Tingle and Peirce individually? And how with C. H. Townsend?

Mr. LIEBES. I settled with the parties that had any claims, but who they were I do not know. It was settled through my attorneys in San Francisco.

The CHAIRMAN. This is a question by Mr. Elliott. Mr. Peirce said, on page 785, that Tingle paid him 10 per cent, that to "somebody else 5 per cent," or "2½ per cent," that that was the equalization of the attorneys' fee which was deducted from the award made for the *James Hamilton Lewis*, which you received in the *James Hamilton Lewis* case? How was that?

Mr. LIEBES. I can not recall the circumstances.

The CHAIRMAN. Now, here is a question that Mr. Elliott does not ask. Do you know that the attorneys received 25 per cent?

Mr. LIEBES. I don't know that.

The CHAIRMAN. I mean Tingle and Peirce and somebody else. Now, Peirce says he received 10 per cent and that Tingle told him that he would have to pay 5 per cent or 2½ per cent to somebody else, and that would even it up finally between him and Peirce. Do you know anything about that?

Mr. LIEBES. No, sir.

The testimony declares that no other parties except Tingle, Peirce, and Townsend appear as attorneys or "experts" in making up and presenting this fraudulent claim of the *James Hamilton Lewis* at The Hague, June 27 July 4, 1902; and no hint, even, of any other party, or parties, is recorded, save Liebes, who as Tingle's "client" and the "owner" of the said vessel and "claim" is held responsible for the division of this award of \$50,000, which he makes as such, on April 24, 1903, between Tingle, Townsend, Peirce, and himself. (See p. 861, Hearing No. 13; and p. 785, Hearing No. 12.)

This sum of the award was paid to Tingle and Liebes by the Secretary of the Treasury; and the State Department "memorandum" of the payments shows that Tingle divided \$13,049 between Peirce, Townsend, and himself as "fees." Peirce affirms that division by Tingle, on page 785, Hearing No. 12. Townsend denies it. The official record shows that Tingle did make that division, as Peirce swears. (See p. 861, Hearing No. 13; p. 785, Hearing No. 12.)

Townsend admits his hand in the fraud (Hearing No. 12, pp. 734, 755, May 24, 1912, H. Com. Exp. Dept. C. and L.):

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
Friday, May 24, 1912.

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

STATEMENT OF DR. CHARLES H. TOWNSEND, OF NEW YORK.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your full name?

Dr. TOWNSEND. Charles Haskins Townsend.

The CHAIRMAN. Where do you live?

Dr. TOWNSEND. I live in New York. I have lived there for some time. I am from Pennsylvania, where my family is living.

The CHAIRMAN. What is your business?

Dr. TOWNSEND. I have charge of the aquarium in New York; I am the director.

The CHAIRMAN. How long have you held that position?

Dr. TOWNSEND. Since 1902.

The CHAIRMAN. Are you a member of the advisory board on the fur seals?

Dr. TOWNSEND. I believe I have that privilege.

The CHAIRMAN. What was the dispute which was settled by The Hague tribunal?

Dr. TOWNSEND. The matter pending there was whether the United States was entitled to damages for sealing vessels seized by Russia.

The CHAIRMAN. Was the *James Hamilton Lewis* one of them?

Dr. TOWNSEND. That was one of the vessels seized, I am pretty sure.

The CHAIRMAN. Who represented the Government before this tribunal?

Dr. TOWNSEND. The Assistant Secretary of State.

The CHAIRMAN. Who was he?

Dr. TOWNSEND. Mr. Peirce.

The CHAIRMAN. Were you there also?

Dr. TOWNSEND. Yes, sir.

The CHAIRMAN. In what capacity were you there?

Dr. TOWNSEND. Mr. Peirce took me along as a sealing expert.

The CHAIRMAN. To assist him in what he was doing?

Dr. TOWNSEND. Yes, sir; to assist in handling the case over there.

The CHAIRMAN. Did you know at the time that they were the owners of these vessels in which this pirate turned up?

Dr. TOWNSEND. No; I never knew anything about that until those things were brought out at The Hague.

The CHAIRMAN. It was developed at The Hague that the Liebes were the owners of this vessel?

Dr. TOWNSEND. That is my recollection.

The CHAIRMAN. And I suppose that is in the public records?

Dr. TOWNSEND. Everything, sir, that is connected with the matter must be between the covers of that book and be between the covers of some other public document in which the matter was brought up a year or so later on, perhaps by Mr. Elliott. But it is all published.

Mr. ELLIOTT. When this was brought out at The Hague, what did you advise Mr. Peirce to do, as his "expert pelagic sealing adviser"?

Dr. TOWNSEND. I do not know that Mr. Peirce ever asked me for advice over there. He instructed me to produce certain documents that would help him refute claims, etc. I was a statistician.

Mr. ELLIOTT. Did you produce any documents that refuted Liebes's claim?

Dr. TOWNSEND. I have no recollection in regard to it. Whatever was done is in the book.

The lessees demand the rejection of the recommendations of the sworn agents of the Government, and secure the removal of Charles J. Goff, chief special agent in charge, with their own men, Williams and Brown, as successors, April 5, 1891:

CONCERNING THE "OGDEN MILLS LETTER" TO SECRETARY CHARLES FOSTER, APRIL 2, 1891, AND ITS INCLOSURES.

[See pp. 311, 312, Hearing No. 7.]

Mr. ELLIOTT. On Saturday, August 5, 1911, Mr. Bowers read into the record of this committee, for the purpose of discrediting me, a copy of a letter which I have searched in vain for during the last 16 years; it was the "Ogden Mills letter" of April 2, 1891; it asked Secretary Charles Foster, Treasury Department, to immediately overrule all the sworn official reports of his own special agents on the seal islands, and issue to the North American Commercial Co. (the lessees) a permit to kill 60,000 seals on the Pribilof Islands during the season just ahead—the summer of 1891 ("if they can be found").

These agents of the Treasury on the seal islands, four of them—Chief Special Agent Charles J. Goff, and assistants, Joseph Murray, S. W. Nettleton, and A. W. Lavender, had all united August 1–14, 1890, in specific reports which urged that the Secretary of the Treasury permit no killing of seals in 1891 by the lessees, and for an indefinite future; those reports were supplemented by mine, dated November 19, 1890.

The tragic, sudden death of William Windom, January 29, 1891, brought a successor to the Treasury whom the lessees seemed to have completely in their control, for so complete was that control that the following astonishing record is made in the premises, started April 2, 1891, by issuing that killing order April 11, following and the full sequence of the "Ogden Mills" letter, above cited, to wit:

The sole warrant which this letter gave to Secretary Foster for asking him to set aside the verdict of those sworn officials above cited was "the inclosure of a series of five affidavits" and a letter "signed by Capt. Healey, U. S. R. M.," all of whom declared in their "affidavits" and statements that after that date on which the lessees' work was stopped, July 20, 1890, the seals "hauled out" in large numbers, suddenly, and there were plenty of fine killable seals to be had, and would have been secured by the lessees if Elliott and Goff had not unjustly and perfidiously used their official authority to so order that stoppage.

This letter, though signed by Ogden Mills, was really written by George R. Tingle, who was the general manager of the lessees on the seal islands. Mr. Mills never could have written such a false and detailed letter of his own knowledge, and had he known the truth of what he was writing about, I firmly believe that he would have refused to sign it. I can not think otherwise, because it was such a letter.

In the first place, all those affidavits he has cited must have been made after the 14th of August, 1890. They were made by the employees of the North American Commercial Co. under pressure from George R. Tingle, who also signed one of them; they were supplemented by a letter to Secretary Charles Foster, from Capt. Michael Healey, United States Revenue Marine, who touched at the islands in October, 1890, and who wrote to Foster about the "seals being as numerous then as they had ever appeared to him in all previous years." (Think of such a statement from such a man who knew so little!)

Those "affidavits" were simply bogus—they were false *ab initio*. They were received by Mr. Foster on April 3, 1891, in this Mills letter aforesaid, and then what happened?

On or about the 5th of April Mr. Charles J. Goff was called into Secretary Charles Foster's office and told that he need not concern himself with the seal-island business any further; that "the department had other business for him to transact at Montreal," Canada (i. e., looking after immigration cases). Goff was directed to proceed there forthwith (and he did). No complaint against him was uttered by Foster—just called him in and sent him to Montreal in the "regular order of official business" which governs all the special agents. Goff was astonished; he was speechless, but obeyed.

Then what happened? On or about April 9 a man named W. H. Williams was appointed "Chief special agent of the seal islands, vice Goff, transferred;" and, on April 11, this man started for San Francisco from Washington with a secret permit from Secretary Charles Foster, dated April 11, to the North American Commercial Co., giving them authority, as lessees, to kill 60,000 seals on the Pribilof Islands during the season just ahead, "if they can be found," etc.

The following history of what the lessees demanded and secured on the seal islands June–August, 1891, shows the same greed which was exhibited by the Russian lessees in 1819–20, when an honest demand was made of them to stop their ruinous work. Like our Mills and Elkins, they prevailed; the herd was ruined and well-nigh exterminated by 1834. (Hearing No. 10, pp. 662–663, Apr. 24, 1912, H. Com. Exp. Dept. C. and L.)

There is a written record officially made, of the fact that the lessees actually continued to kill seals illegally, 4,782 of them—large, choice seals, after they had been ordered not to do so by the Treasury Department. (See Exhibit H., Rept. Agents H. Com. Exp. Dept. Com., 1913.)

And still more, if it had not been for that protest which the British commissioners made July 29, as stated by said exhibit in that “private” meeting, those lawless lessees and their official confederates would have continued to kill “food” seals during the rest of the year.

This exhibit declares that nothing stood between the lessees and their uninterrupted seal killing during the *modus vivendi*, but that quick action of the British commissioners; the prohibition of the President, the specific “orders” of the Treasury Department, and their repeated reiteration by Chief Special Agent Williams, that nothing to exceed 7,500 “food” seal skins should be taken, was, to them, a mere use of words to conceal their illegal work, not to stop it, a *fulgur brutum*, in short.

They took 10,782 skins on St. Paul, when ordered, May 27, 1891, not to exceed 6,000 during the entire season.

They took 3,218 seal skins on St. George, when ordered not to exceed 1,500 during the entire season.

And they did all that up to and by August 11, 1891, with the official orders prohibiting that killing posted June 13, 1891, on the islands.

Mr. J. Stanley-Brown who shares this malfeasance with Williams (W. H.) in 1891, came up again June 9, 1892, as the United States chief special agent, and on Friday, July 8 (1892), following turned the entire control of the killing over to the lessees, and for that service he was made the “superintendent” of the lessees’ business on the islands in June, 1894. (See Exhibit B, Rept. Agents H. Com. Exp., Dept. Com., Aug. 30, 1913.)

W. H. Williams, the agent who was put suddenly, April 5, 1891, in Goff’s place by Charles Foster, and who was so selected because Foster had complete control over him, went up to St. Paul’s Island, and landed there June 10, 1891. He was also accompanied by Joseph Stanley-Brown, who went as Charles Foster’s “own man” to get the facts.

It will be noted in the foregoing statement that when Williams after cooperating with Brown in this illegal killing of some 14,000 seals during the season of 1891, in violation of the international law which fixed it at 7,500 for that year, it will be noted that he leaves the islands on August 11, 1891, and returns to Washington.

Does he ever return to the islands? No. Mr. Joseph Stanley-Brown takes his place, and on Thursday, June 9, 1892, arrives on St. Paul’s Island as the chief special agent in charge.

What had Williams done? Why was he quietly put over, and "transferred" to London, as Goff before him had been transferred to Montreal?

He was "transferred" because he spoke plainly, after his unpleasant experience on the islands during the summer of 1891, as a tool of the lessees. He told his friends at home and in Washington that this work on the islands must stop and the lessees put out; he saw the greedy hand that prevented any settlement with Great Britain, and was ashamed of his part in the business of illegally killing those seals, under the whip of the lessees, and, among other plain truths, he said:

In my opinion the only way to save the Pribilof herd is by an entire cessation of sealing for a considerably period. I have heard diverse views on this subject, and about closed seasons of 1 to 10 years as being the only way to restore the herd to its best form. I believe in 10 years.

Whatever period is adopted it should involve the entire cessation of seal killing on the islands. Of course, I am speaking unofficially, as I have no part in the present deliberation of the commission.—(Fur Trade Review, Oct. 1, 1898, p. 446, New York.)

And this is the same "scientist" and "keen business man" who was introduced to the House Committee on Expenditures in the Department of Commerce and Labor, April 20, 1912, in the following "modest" terms by the United States Bureau of Fisheries, to wit:

Dr. EVERMANN. One of the interesting phases of this question that has attracted my attention is the attitude which some persons have assumed toward the large numbers of able and distinguished naturalists who have visited the seal islands and who are without question the men most familiar with the fur-seal herd and the many problems connected with its management and effective conservation.

Within the last 25 years nearly a score of the most distinguished naturalists not only of this country, but of Great Britain, Canada, and Japan have visited our seal islands for the specific purpose of studying the habits of the fur seals and the problems connected with the proper management of the herd. Among these gentlemen I may mention the following:

Dr. EVERMANN (reading):

"Dr. Barton Warren Evermann, in charge of the Alaska fisheries service, who, as special fur-seal commissioner in 1892, spent six months on our seal islands in the North Pacific and on the Russian seal islands, studying the fur-seal rookeries, hauling grounds, and migrations.

"Mr. Joseph Stanley-Brown, of New York, spent the seasons of 1891, 1892, 1894, 1895, 1896, 1897, and 1899 on the seal islands, where, as naturalist and keen business man, he made very thorough study and investigations not only of the habits of the seals, but very valuable study of the economic questions involved." (Hearing No. 10, pp. 518-519; H. Com. Exp. Dept. C. & L.)

The "value" of Joseph Stanley-Brown's "studies" to the lessees can be at once grasped by the most casual observer, but the value thereof, to the public interests which he was sworn to guard, and paid to do so, no man living or dead can find the least evidence of.

That the greedy lessees found him "valuable," however, goes without question, for we find this entry made on page 222 of the St. Paul Journal, to wit:

WEDNESDAY, JUNE 6, 1894.

Steamer *Lakme*, of the North American Commercial Co., arrived having on board, J. B. Crowley and wife, as chief agent, and Mr. Judge and wife; also Mr. Brown, superintendent of North American Commercial Co., Mr. Chicester and Mr. Armstrong.

**THE BUREAU OF FISHERIES INVOKES THE SERVICES OF JOSEPH STANLEY-BROWN TO RENEW THE SEAL LEASE, AND DEFEAT PENDING LEGISLATION WHICH PREVENTS THAT RENEWAL.**

Mr. ELLIOTT. And I want Mr. Bowers to pay some attention to this because this is important, at least some good lawyers have told me that it is very important to him—

"Being an official letter covering a 'memorandum' addressed to Mr. George M. Bowers, commissioner, urging him to take steps to prevent the passage of the Dixon fur-seal resolutions introduced in the United States Senate by Senator Joseph M. Dixon. (S. Res. 90, 91, 92.)

"December 7, 1909. This letter from the 'bureau,' dated December 16, 1909, and signed by Barton W. Evermann, urges Bowers to send agents to New York, there to 'educate' the Camp Fire Club and induce them to agree to the 'bureau's idea of renewing the lease,' as follows:"

**EXHIBIT No. 6.**

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, December 16, 1909.*

The COMMISSIONER:

The Washington Star of December 10 last announced that the Camp Fire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Camp Fire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.<sup>1</sup>

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

"Exhibit No. 7. Being the official letter of 'George M. Bowers, commissioner,' to Secretary Commerce and Labor, dated February 8, 1910, inclosing copies of three letters, all urging renewal of the seal lease and giving the reasons of the writers for

<sup>1</sup>"COMMITTEE ON EXPENDITURES IN THE  
"DEPARTMENT OF COMMERCE AND LABOR,  
"HOUSE OF REPRESENTATIVES,  
"Friday, June 9, 1911.

"The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

**"TESTIMONY OF MR. GEORGE M. BOWERS, COMMISSIONER OF FISHERIES.**

"Mr. BOWERS. No new lease was made, but the killing was done under governmental supervision.

"Mr. TOWNSEND. You will be questioned about that later. After the first suggestion of this bill you know of no efforts that were made to delay the passage of that legislation?

"Mr. BOWERS. I know of no effort that was made to delay the passage of that legislation.

"Mr. TOWNSEND. And if any evidence should be introduced to the contrary, it would surprise you?

"Mr. BOWERS. So far as I am concerned it would, yes; and as far as I am concerned it would the Bureau of Fisheries and the department." (Investigation of Fur-Seal Industry of Alaska, p. 73.) (Hearing No. 3, p. 157, July 6, 1911, H. Com. Exp. Dept. C. and L.)



such renewal, to wit, H. H. Taylor, president N. A. C. Co. (lessees), dated January 27, 1910; C. H. Townsend, for 'fur-seal advisory board,' dated January 31, 1910; Alfred Fraser, London agent for the N. A. C. Co. (lessees), January 28, 1910, as follows:

THE OFFICIAL RECORD OF THE FRAUDULENT SECRET PERMIT GIVEN BY CHARLES FOSTER TO MILLS, ELKINS AND LIEBES TO KILL SEALS—60,000 SEALS—ON APRIL 11, 1891, AGAINST THE UNANIMOUS OPPOSITION OF THE AGENTS OF THE GOVERNMENT ON THE SEAL ISLANDS OF ALASKA.

1890. *July 20.*—Chief Special Agent Charles J. Goff and his assistants on the Seal Islands of Alaska stop the lessees from killing seals to-day, thereon, because they find that female seals "in milk" are being slaughtered, and that the surplus male life does not exist which is proper to kill.

1890. *August 1.*—Chief Special Agent Goff and his assistants, Murray, Nettleton, and Lavender, all unite in separate reports to the Secretary of the Treasury in asking that the work of the lessees be suspended at once on the islands and indefinitely.

1890. *November 19.*—Henry W. Elliott, special commissioner, under authority of act approved April 5, 1890, reports urging that the work of the lessees be suspended at once and indefinitely, and that a *modus vivendi* be established with Great Britain for seven years whereby no killing in the sea or on the land will be done by subjects and citizens of the high contracting parties.

1891. *April 7.*—Secretary James G. Blaine agrees with Sir Julian Pauncefote, the British ambassador, to a *modus vivendi* of at least one year whereby there shall be no killing on the islands or in the sea of fur seals. (See British Blue Book: Further correspondence respecting the Bering Sea seal fisheries.)

No. 1.—*The Marquis of Salisbury to Sir Julian Pauncefote.*

[Telegraphic.]

FOREIGN OFFICE, *April 17, 1891.*

*Bering Sea.*—Mr. Blaine's suggestion, which you mention in your private letter of the 7th April, that pending the award of the arbitration on the Bering Sea question all seal fishery should be stopped, both by sea and land, seems worthy of consideration.

If we approve of it, would Mr. Blaine prefer that the proposal should come from us? (British Blue Book entitled "U. S., No. 2, 1891: Correspondence respecting the Bering Sea fisheries," presented to both houses of Parliament by command of Her Majesty, June, 1891. Printed for Her Majesty's Stationery Office by Harrison & Sons, St. Martin's Lane, printers in ordinary to Her Majesty, etc.)

No. 3.—*Sir J. Pauncefote to the Marquis of Salisbury.*

[Telegraphic—Received Apr. 23.]

WASHINGTON, *April 23, 1891.*

I have the honor to report that the Secretary of State returned to Washington and invited me to call on him.

He expressed himself as gratified at the favorable consideration given by Her Majesty's Government to his alternative suggestion, and in response to your lordship's inquiry he said that he would prefer that the proposal, which seemed to him very fair, should come from Her Majesty's Government, etc.

At this point I can recapitulate, and then carry the story of Mr. Blaine's duplicity and malfeasance in the premises down as follows, *seriatim*, to wit:

*March 15, 1891.* Sir Julian Pauncefote urges Mr. Blaine to agree upon a *modus vivendi* for the coming season in Bering Sea, whereby no killing of fur seals shall be done on the Seal Islands of Alaska by American citizens and no killing at sea shall

be permitted for British subjects; in the meantime both high contracting parties shall carefully study the question and then agree upon a plan of proper resumption of seal killing, etc.

Mr. Blaine demurred and suggested a 25-mile zone of pelagic prohibition around the Seal Islands instead; to this Sir Julian objected, saying that it was impracticable and would not be easily enforced, etc.

*April 7, 1891.* Sir Julian again urges Mr. Blaine to unite with his Government in a total suspension of all killing of fur seals on the Pribilof Islands and in the sea of Bering, during the coming season of 1891. Mr. Blaine agrees to do so if the British Government will notify him of its desire and willingness to do so.

Sir Julian Pauncefote then mails to Lord Salisbury this proposal of Mr. Blaine to stop all killing on the Pribilof Islands during the season of 1891, if the British Government will prohibit its subjects from all killing of fur seals at sea (in Bering Sea), during this period aforesaid. This letter sent to New York and mailed by "special post" on this day and date, April 7, 1891, to London.

*April 11, 1891.* Secretary Blaine, without informing Sir Julian, violates this agreement of April 7, 1891, as above cited; he gives to the lessees of the Seal Islands (D. O. Mills, Isaac and Herman Liebes, Lloyd Tevis, and S. B. Elkins) a secret permit to kill 60,000 seals on these islands, "if they can be found," during the season of 1891.

*April 13, 1891.* Charles Foster, Secretary of the Treasury, admits, when personally interrogated by Hon. Wm. McKinley and Henry W. Elliott, that he has given this order of permission to kill 60,000 seals, "because Blaine authorizes it, and has told me that Salisbury is ugly and will not stop his people from killing."

*April 22, 1891.* Sir Julian Pauncefote denies that his Government "is ugly," and asserts that it is willing to stop the seal slaughter.

*April 24, 1891.* Henry W. Elliott, in a half-column letter to the New York Evening Post of to-day's issue, under caption of "Some seal history," tells this story of Mr. Blaine's duplicity and venality, as above cited; it is telegraphed all over the country, briefly, and on—

*May 3, 1891.* President Harrison vetoes or orders the cancellation of this secret and infamous permit; he then orders steps to be taken in the State Department which result, June 14, 1891, in the *modus vivendi* being officially published, as originally suggested by Henry W. Elliott November 19, 1890, and Sir Julian on April 7, 1891, as stated above.

With this clearly and indisputably recorded as above, it is now in order to produce the cause of this malfeasance of both Secretary James G. Blaine and Secretary Charles Foster—what was the pressure upon those high officials which led them to dishonor the trust which they were sworn to observe and obey for the public good.

We now observe in the following letter of April 2, 1891, the studied letter of the lessees—the deliberate and studied foundation of fraud and deceit upon which Charles Foster was compelled to stand suddenly in full public view, May 3, 1891, and—*fall*.

OFFICE OF THE NORTH AMERICAN COMMERCIAL CO.,  
MILLS BUILDING,  
New York, April 2, 1891.

HON. CHARLES FOSTER,  
Secretary of the Treasury, Washington, D. C.

DEAR SIR: The North American Commercial Co. begs to submit for your consideration the following:

There is a marked difference of opinion between Mr. Elliott, special agent, and the Treasury agents on the seal islands and the North American Commercial Co., lessee of those islands, as will appear by the reports of the Treasury agents and statements of the agents of the North American Commercial Co. and others, on file in your department.

The contest to obtain the new lease caused some irritation and feeling. In beginning operations under the new lease it was natural that the Treasury agents should sympathize with the old company. The Alaska Commercial Co., the old lessee, made a spirited contest to have the new lease awarded to it. Mr. Elliott, at the time of the bidding and for 15 years before, had been an employee of the Alaska Commercial Co. He did all he could to secure the new lease for his company. He urged the Secretary of the Treasury in person to award the lease to the Alaska Commercial Co., although its bid was lower.

Under these circumstances it was unfortunate that Mr. Elliott should have been appointed an agent to report on the condition of seals, etc., under a special act of Congress which he drafted and caused to be passed and under instructions which he wrote.

It was also unfortunate that extending the time for taking seals on the islands should have been left to the discretion of Mr. Goff, Treasury agent, because by not exercising this discretion wisely and extending the time beyond July 20 the United States lost in taxes nearly \$400,000 and the lessee one-half as much.

Your attention is called to the fact that in the advertisement for bids to lease the islands the Secretary of the Treasury expressly stated that for the year 1890 the lessee should take 60,000 seals. It is also provided in the lease that the new company should take this number, yet the Treasury agent saw fit, in the discretion given him, to arbitrarily forbid the new company from taking more than 20,995 seals, which was not only a great loss to both the Government and lessee, but in violation of the statements contained in the advertisement and the terms of the lease. The record will show that on the 20th day of July, the last day of the killing, 2,000 seals were taken, and the proof is at hand both positive and abundant that if the time had been extended until the 10th of August the full quota of 60,000 killable seals could have been taken. The company states as a reason why the full quota was not taken by the 20th of July was because the salmon, which largely constitute the food of the seals, were two or three weeks later going north last season, which will account for the seals appearing two or three weeks later on the islands than in former years.

Secretary Windom regarded the failure to take 60,000 seals as a mistake, and one he wished he could repair. Considering this, and for other reasons, he said to the attorney of the N. A. C. Co., early in February, that it was his purpose to allow the company to take 60,000 this year, and 100,000 in the discretion of the Treasury agent, if the seals appeared on the islands.

It is claimed by the company that granting a positive and definite order to take 60,000 killable seals this year of the kind named in the laws and regulations can not work harm to the Government nor deplete the herd. If the killable seals do not come upon the islands they can not be taken; and if they do, the company should be allowed to take them.

Mr. Elliott was on the islands in 1874, and did not return until 1890, a period of 15 years. Mr. Tingle, whose report and protest against Treasury Agent Goff's arbitrary action is on file, was Treasury agent on the islands for 4 years—from 1885 to 1889—during which time he spent 18 months continuously on the islands. His opportunities for observing the seals and seal life and understanding their habits, of recent years, has been much more extended than that of Mr. Elliott. As against Mr. Elliott's report and those of the Treasury agents, which it is believed Mr. Elliott inspired, stands the testimony of Mr. Tingle; the sworn statements now on file in your department of Antoine Melovidoff, brother-in-law of Mr. Elliott, a native of the islands and governor of St. Paul; that of Daniel Webster, the oldest sealer on the island; the letter of Dr. W. H. McIntyre, now World's Fair Commissioner from Vermont, who spent 17 years on the islands; as also statements of J. C. Redpath, C. A. Fowler, Capt. \* \* \* Healey, and Dr. L. A. Noyes—all except Mr. Tingle disinterested parties.

It is submitted that this mass of testimony and sworn statements is entitled to due weight and consideration, and if not sufficient to overcome the reports of Mr. Elliott and the Treasury agents, they are at least strong enough to raise a doubt, the benefit of which should be given to the Government and lessee and be settled only by impartial testimony and by persons who had no connection with the old company and no prejudices against the new.

It is said that parties interested in the old company declared, on their failure to obtain the new lease, that they would break up the new company in two years. It is submitted that after the company has spent many hundred thousand dollars in preparing to comply with the obligations under the new lease, and the losing of 40,000 skins out of 60,000 the first year, and the proposition of Mr. Elliott to take none this year, would nearly reach the point of breaking up the company.

It is claimed by the present lessee that the taking of killable seals under the rules and regulations of the department does not deplete the seal herd. By the terms of the lease it can not be terminated except for cause. If the Government can suspend taking seals for one year, it may for any number of years, which would, in effect, abrogate the lease. The Government is bound by the terms of the lease as well as the lessee. It has for a valuable consideration leased the exclusive right to the North American Commercial Co. for 20 years to take seals on the islands of St. Paul and St. George. It may be said that the Secretary has the power under the law to limit or designate the number of seals to be taken; the company claims this is to be rea-

sonably construed and does not mean that the lessee shall be entirely deprived of taking seals.

It has been suggested that pending arbitration if England should stop the Canadian poachers from taking seals in the Bering Sea that the United States should agree to suspend the taking of seals on land. It is not clear what right England has to make any demand upon the United States to stop taking animals on its own soil. But it is submitted on behalf of the company that the United States has leased the exclusive right to take seals on the Pribilof group of islands, and the controversy between the two countries presents itself with the lease in existence and the obligations of the United States to the lessee in full force. The lease stands as part of the condition of affairs that can not be changed, and while the United States can not terminate the lease except for cause, it should not be asked that it be done pending arbitration or as a preliminary to a fair settlement.

The interests of the Government and lessee are the same and not in any sense antagonistic and should not be made so. The lessee is as much interested in preserving seal life as the Government, and whenever it is shown to be in the interest of preserving seal life it will willingly consent to a reasonable suspension of killing seals on the islands. But the company feels that with the present light on the subject it would be unfair both to the Government and to it to suspend taking seals for this year. The company, in obedience to the terms of the lease and by way of preparation for this year's work, has already incurred and is still incurring heavy expenses.

Respectfully,

(Signed) NORTH AMERICAN COMMERCIAL CO.,  
By OGDEN MILLS.

Every paragraph in that letter of Ogden Mills is false; he signs it for the lessees, D. O. Mills, Lloyd Tevis, Herman and Isaac Liebes, and S. B. Elkins (soon to be Harrison's Secretary of War, and then after, in 1894, Senator from West Virginia). The absolute untruth and fraud of its conception is fully bared by the sworn testimony in Hearing No. 10, pages 662-668, April 24, 1912. (H. Com. Exp. Dept. C. and L.).

Think of the strange stupidity of the following brazen untruth—of that untruth which bristles all through every paragraph in this venal letter, to wit:

Secretary Windom regarded the failure to take 60,000 seals as a mistake, and one he wished he could repair. Considering this, and for other reasons, he said to the attorney of the N. A. C. Co., early in February, that it was his purpose to allow the company to take 60,000 this year, and 100,000 in the discretion of the Treasury agent, if the seals appeared on the islands.

William Windom dropped dead into his chair, on the evening of January 29, 1891, at the banquet of the New York Chamber of Commerce, in that city.

Yet this falsifier who pens the above tells us that "early in February" following, Windom intended to reverse his own sworn agents and let these public enemies have full swing at the public property then in dire jeopardy on the Seal Islands of Alaska.

William Windom in the presence of Henry W. Elliott, at the residence of James G. Blaine, in Washington, January 6, 1891, agreed with Mr. Blaine to a total suspension of the lessees work for five years from date, if the British Government would compel the prohibition of pelagic sealing in Bering Sea and the North Pacific for the same length of time from date.

This letter of Ogden Mills urging Foster to set aside the unanimous testimony of his own sworn agents, and let the lessees have full sweep at the public preserves on the Seal Islands of Alaska was carefully planned and prepared with the full knowledge of D. O. Mills, of Lloyd Tevis, of S. B. Elkins, of Isaac and Herman Liebes,

all stockholders in the North American Commercial Co., or the agent of theirs as lessees of the Seal Islands of Alaska.

Upon this fraudulent and lying lessees' letters authority, and all of those bogus worthless perjured affidavits signed by their own hired men and tools, Charles Foster actually, three days after he had received this rascally letter, reversed the ruling of his own agents (the agents of Wm. Windom) and gave Elkins and Liebes a secret permit to kill 60,000 seals on April 11 following.

Can a better exhibition of turgid self-confessed, wicked, malfeasance in high official position be found?

In order that no question shall be raised or can be raised sensibly as to the fact that Charles Foster did give that secret permit of April 11, 1891, as above stated, I submit the letters of Mr. Foster, who admits that malfeasance to me, after I had put the question squarely up to him and while witnesses to the truth of it were then living, and who stood ready to prove it, if Foster presumed to deny it.

#### THE SUBORNATION OF THE STATE AND TREASURY DEPARTMENTS BY THE SEAL LESSEES.

On the 2d of May, 1912, the following sworn statement was given to the House Committee on Expenditures in the Department of Commerce and Labor, which exhibits the improper influence possessed and used by the lessees, to wit:

##### NOTE FOR HON. JOHN H. ROTHERMEL.

When John Hay asked me on June 20, 1903, to take this letter of mine, as written to Hon. John A. Kasson, of May 10, 1903, with its recitation of the amazing revelation of Mr. Blaine's malfeasance as made by Sir Julian Pauncefote, and inclosed to Mr. Hay by Mr. Kasson, for this purpose, as stated by the latter, Mr. Hay said: "This is a matter which I can not discuss with you. I know it is true, and that makes any use of it at this time and in this department impossible. It is best returned to you, and my desire is that nothing be said in the premises at the present time and while this business is pending between Canada and ourselves."

Just think of this terrible revelation made by Sir Julian of Mr. Blaine's duplicity, and worse, as Secretary of State, thus made to me, April 22, 1891—think of it in the light of the following facts, to wit:

*March 15, 1891.* Sir Julian Pauncefote urges Mr. Blaine to agree upon a modus vivendi for the coming season in Bering Sea, whereby no killing of fur seals shall be done on the Seal Islands of Alaska by American citizens and no killing at sea shall be permitted for British subjects; in the meantime both high contracting parties shall carefully study the question and then agree upon a plan of proper resumption of seal killing, etc.

Mr. Blaine demurred and suggested a 25-mile zone of pelagic prohibition around the Seal Islands instead; to this Sir Julian objected, saying that it was impracticable and would not be easily enforced, etc.

*April 7, 1891.* Sir Julian again urges Mr. Blaine to unite with his Government in a total suspension of all killing of fur seals on the Pribilof Islands and in the sea of Bering during the coming season of 1891. Mr. Blaine agrees to do so if the British Government will notify him of its desire and willingness to do so.

Sir Julian Pauncefote then mails to Lord Salisbury this proposal of Mr. Blaine to stop all killing on the Pribilof Islands during the season of 1891 if the British Government will prohibit its subjects from all killing of fur seals at sea (in Bering Sea) during this period aforesaid. This letter sent to New York and mailed by "special post" on this day and date, April 7, 1891, to London.

*April 11, 1891.* Secretary Blaine without informing Sir Julian violates this agreement of April 7, 1891, as above cited; he gives to the lessees of the Seal Islands (D. O. Mills, Isaac and Herman Liebes, Lloyd Tevis, and S. B. Elkins) a secret permit to kill 60,000 seals on these islands, "if they can be found," during the season of 1891.

*April 13, 1891.* Charles Foster, Secretary of the Treasury, admits, when personally interrogated by Hon. William McKinley and Henry W. Elliott, that he has given this order of permission to kill 60,000 seals "because Blaine authorizes it, and has told me that Salisbury is ugly and will not stop his people from killing."

*April 22, 1891.* Sir Julian Pauncefote denies that his Government "is ugly," and asserts that it is willing to stop the seal slaughter.

*April 24, 1891.* Henry W. Elliott in a half-column letter to the New York Evening Post of to-day's issue, under caption of "Some seal history," tells this story of Mr. Blaine's duplicity and venality, as above cited; it is telegraphed all over the country, briefly, and on—

*May 3, 1891.* President Harrison vetoes or orders the cancellation of this secret and infamous permit; he then orders steps to be taken in the State Department which result, June 14, 1891, in the modus vivendi being officially published, as originally suggested by Henry W. Elliott, November 19, 1890, and Sir Julian, on April 7, 1891, as stated above.

HENRY W. ELLIOTT.

WASHINGTON, D. C., *May 2, 1912.*

(Hearing No. 10, p. 672, May 2, 1912, H. Com. Exp. Dept. Com. and Labor.)

In further illustration of this subornation, and proof of it, Mr. Elliott, on January 25, 1907, gave to the Ways and Means Committee of the House of Representatives the following original letters of Charles Foster which admit that he issued that secret order to kill 60,000 seals on April 11, 1891, and which permit, after its exposure April 22 by Elliott, was "officially" dated "May 27," and then canceled "officially" May 27, 1891, by telegraph to Williams, at San Francisco, Cal.

CHARLES FOSTER'S ADMISSION TO ELLIOTT THAT HE HAD ISSUED A SECRET PERMIT TO KILL 60,000 SEALS, APRIL 11, 1891.

[Copies of the original letters made by Ways and Means Committee, H. R., Jan. 25, 1907: Hearing on Fur Seals. MS. notes of same, pp. 92 et seq.]

FOSTORIA, OHIO, *January 11, 1895.*

MR. HENRY W. ELLIOTT.

MY DEAR SIR: The temper of your note of the 9th indicates that you propose to assail the late administration for its conduct of the fur-seal question.

In the discharge of my duty in the relation to this question I felt that it was best your services be dispensed with. I knew that this act would result in your hostility to me, and in due time I would be assailed by you. Now, as to your question as to the whereabouts of letters of Capt. Healey, I do not recall any conversation with you in which Capt. Healey's name was used.

If we had such a conversation as you suggest, whatever statement I made was truthful. I have no knowledge of the whereabouts of the letters of Capt. Healey.

My order of the 11th of April authorizing the taking of seals limited the catch to the "killable seals, not to exceed 60,000." My orders to Capt. Williams were not to allow the company to take any seal that was not in size, age, and sex allowed by the contract.

Yours, truly, etc.,

CHARLES FOSTER.

SMITHSONIAN INSTITUTION,  
*Washington, D. C., January 19, 1895.*

DEAR SIR: Your reply of the 11th instant has only reached me this morning, not reaching Washington until yesterday afternoon, so that I can not be held responsible for my seeming delay in reply. You speak of the "tone" of my letter of the 9th instant. I wrote you a business letter, as you are a business man, and there is no other tone to it.

You assume that my purpose is to "assail the late administration" for its conduct of the fur-seal question. That action on my part was taken some time ago, and effectively, when I, like tens of thousands of other Republicans in Ohio, in November, 1892, cheerfully helped to hurl that administration from its brief and unpleasant prominence. I don't purpose now, as a live man, to get up and kick a dead antagonist, and you are



not fair in making so mean a suggestion to me. You certainly are not going to be assailed by me, for you are in no shape to be assailed.

Why should you allude to the canceling of my commission? I never alluded to it to you or to anybody else except with satisfaction. Why, indeed, should I? You did not appoint me; you had nothing whatever to do with it; and when the accident of death brought you into a little spell of brief authority you exercised it; I never objected and I never cared, for this is a mere personal matter that does not interest anybody but ourselves.

But the seal question is and was a public trust, and your record on that score is a proper subject for investigation and fair record.

Now to business: I am not responsible for this digression. You say that you "don't remember that Healey letter"; that settles it as far as this inquiry is concerned; but you are silent as to my inquiry as to where are those statements of the employees of the N. A. Com. Co. Who had the right to withdraw those papers from the files of the department—these papers which you told the reporter of the New York Tribune, May 8, 1891, were in the department on file, distinctly contradicting my statement as to decrease in seal life? These papers were, I suppose, your justification for that permit to kill 60,000 seals, over the sworn testimony of every Treasury agent of the Government on the seal islands against it at the time you gave it out. I repeat, for your own credit, that these papers be produced.

Your order to Maj. Williams put no restrictions on the killing of 60,000 male seals over the age of 1 year. Had that order not been canceled, as it was by my direct effort, it would have permitted and directed the most shameful killing on the seal islands of all the shameful seal slaughter yet done on the islands or in the waters around them.

Very truly, yours,

HENRY W. ELLIOTT.

MR. CHARLES FOSTER,  
*Fostoria, Ohio.*

TOLEDO, OHIO, *January 23, 1895.*

MR. HENRY W. ELLIOTT,  
*Washington, D. C.*

DEAR SIR: Your favor of the 19th instant reached me at this place this morning. I have been troubled with an inflamed eye and have been over here for treatment several days. I wrote as I did because it seemed to me that your letter assumed an air of arrogance and suspicion, and, I might add, innuendo. If I did you an injustice I beg your pardon. I have no knowledge whatever of the letters and papers to which you refer. No paper was removed from the files by my order or with my knowledge. If they are not now on the files they have been removed clandestinely or by order of some one else. My record in relation to my official conduct is open to the world; I did nothing that I would not do over again to-day with the present lights I have on the subject.

Yours, respectfully,

CHARLES FOSTER.

SMITHSONIAN INSTITUTION,  
*Washington, D. C., January 26, 1895.*

DEAR SIR: Yours of the 23d instant was duly received yesterday, and I am glad that you admit that my position of "assailing" you was an assumption on your part. It certainly was, and I can call on your own men, Stanley Brown and Maj. Williams, to bear witness to the truth of my statement that I repeatedly said to them that I was well satisfied to be out of the association that they belonged to in this fur-seal business.

You know the act which sent me to the seal islands in 1890 was passed expressly for that purpose, and as stated in both Houses of Congress when the subject was up before them, it could not have been passed had it not been as stated, and Mr. Windom freely told me so before the bill was ever introduced.

I knew, as everybody admits here to-day, that I was right on this seal business; and that you and Mr. Blaine were wrong in giving that scandalous order to Elkins in distinct violation of that offer made by Blaine to Her Majesty's Government, April 7, 1891. \* \* \* you issued the order violating the faith of the department on the 11th of April, 1891. I exposed that fact on April 22, 1891, and you "dispensed with my services" on the 25th of April, 1891. Of course we parted. We had to part.

Very truly, etc.,

HENRY W. ELLIOTT.

CHARLES FOSTER,  
*Fostoria, Ohio.*



The steps taken by Elliott to uncover the deceit and malfeasance of Blaine and Foster are given by him to the committee, April 24, 1912, as follows:

MR. ELLIOTT: How was that secret permit of April 11 found out and soon made public? By the rarest of accident. It was thus:

On or about April 8, Sir Julian Pauncefote was a guest at a certain private or social dinner given to him. His hostess sat beside him; during the progress of this entertainment, Sir Julian remarked to her that he believed that he had been instrumental at last in settling the vexed fur-seal question, and that Mr. Blaine and he had just agreed that no further slaughter on the islands or in the Bering Sea was to take place for at least six or seven years, or that until both Governments had thoroughly investigated the conditions, no killing was to be resumed, at least.

On the evening of April 11, following, this lady was at another social entertainment, and there overheard the attorney for the North American Commercial Co. congratulate an unknown person who stood beside him in the reception line over their success during the day in getting Charles Foster to give them a permit to kill seals; that "nobody in Washington knew anything about it," and "nobody was to know any about it" either, etc.

In a moment it flashed on the mind of this lady that Sir Julian had been duped or those men were in error; second thought told her that the lessees' attorney (Gen. N. L. Jeffries) was one who knew his business, and it must be true. She had heard me tell how Mr. Blaine was pledged to a close season; so, on the following day, she called on me at the Smithsonian Institution and told me of what she had heard, all as above stated.

Astonished and mortified, I at once set to work to find out the truth. I knew that if this was a secret permit that if I went up to either Mr. Blaine or to Secretary Foster, they would not admit it; it must be secret, or it would be published and I would, too, have been called in and notified of such an order, and the reasons why it was given over the denial of it by myself and all of the official reports of the department's seal agents. As Congress had adjourned March 4, 1891, there was no way of getting a resolution of inquiry and the like introduced and passed. I therefore asked Congressman William McKinley, jr., who was still in the city, to call on Secretary Charles Foster and put this inquiry sharply and squarely up to him.

Major McKinley did so. On Monday morning—I think on or about April 14, 1891—he called on Foster at the Treasury Department. Later, same day, he reported to me that Foster first shirked the answer; then admitted that he had given this secret order on April 11, and had given it after a full understanding with Mr. Blaine, who on that day had informed him that there was no hope of getting any *modus vivendi* from Great Britain; that "the British were ugly," etc.

This report of Maj. McKinley aroused my suspicions as to the status in so far as Great Britain's part in the business was concerned. I knew all the time that the Canadians opposed my plan; but I had taken two letters over to Secretary Blaine in January and February, 1891, written to me from London, and by a gentleman who was very close to Lord Salisbury. These letters assured me that Salisbury was in favor of my *modus vivendi*. (I gave those letters to Mr. Blaine and he kept them.)

If anything was to be done to stop this infamous killing permit thus started under cover, it must be done at once and before the lessees' vessel was loaded in San Francisco and cleared for the islands. I knew that such a permit would be flashed instantly over to them there, and that this work of getting ready for the season's killing was surely under way.

On the 22d of April, 1891, I learned directly and positively that the British premier was not "ugly," was not aware of the fact that he was secretly misrepresented here by our own high officialism in charge of this fur seal question. Knowing this, then, I took the only step I could take as a good citizen to stop this infamous game as played between the lessees and Secretary Charles Foster, using Secretary Blaine as their shield. I wrote a brief, terse story of it, and signed my name; then addressed it to the New York Evening Post on the evening of this day, April 22. That letter was published in that paper Friday, April 24, 1891. It stirred official Washington from top to bottom in the State and Treasury Departments. This exposure of that secret killing order went all over the United States instantly in the press dispatches, and it caught the eye of President Harrison, who at this time was on a railroad-touring circuit of the Pacific Coast and somewhere in California. He vetoed this infamous killing order by wire, either from Los Angeles or San Francisco, on May 3, 1891 (or from some point in California). This was published in the New York Herald May 4, 1891. (Hearing No. 10, p. 664, Apr. 24, 1912, Ho. Com. Exp. Dept. Com. and Labor.)

The manner in which he finally reached Sir Julian and so learned of the deceit of Blaine and was thus enabled to expose the jobbers and stop the slaughter that season of 1891, as the secret permit of April 11 ordered, is set forth by Elliott in terrible words of truth to the rotten officials of the Bureau of Fisheries, thus:

The CHAIRMAN. All right then. I suppose it is the sense of the committee that the statement shall go in?

Mr. PATTON. I have no objection.

The CHAIRMAN. Then it is so ordered.

WASHINGTON, *May 12, 1903.*

DEAR COL. HAY: I do not know why the inclosed is sent to me, except for my sympathy with Elliott in the matter of the Alaskan seals. Nor do I know what to do with it except to place it at your disposition to decide if there is wisdom in his suggestion.

Very faithfully yours,

KASSON.

(Given to me by Mr. Hay, in Department of State, June 20, 1903, 11.40 a. m.—H. W. E.)

LAKEWOOD, OHIO, *May 10, 1903.*

MY DEAR MR. KASSON: In packing away a lot of papers to-day I came upon those minutes of the interview which took place between Sir Julian and myself in April, 1891. You suggested that I put them into writing after I had recited them to you in your residence, December 10, 1901. I inclose a copy of them.

Reading them over, the thought occurs to me that the desperate condition of affairs on the seal islands to-day warrants Sir Michael in doing exactly what Sir Julian did in 1891. He can override the Canadians and agree upon a modus vivendi for 1904, just as Sir Julian did for 1891.

Sir Julian took this action solely on the strength of his belief in the truth of my representation and report of 1890. Sir Michael can have not only all of this ground, but the important additional data which I have placed in Mr. Hay's hands.

I had to go as a stranger, personally, to Sir Julian in 1891, on account of Mr. Blaine's "infirmity" of purpose. Mr. Hay can go to Sir Michael with vastly greater effect and tact than I went to Sir Julian. He can take these authentic records, illustrations, facts, and figures which I have given him recently and lay them with great emphasis before the British ambassador.

Something must be done this summer and before Congress meets. Otherwise, if naught comes from the State Department, the pending seal bill, now lying in the Senate Foreign Relations Committee, will be passed in short order, as a measure absolutely necessary to save the fur seal species of Alaska from complete extinction.

It would be a great feather in Mr. Hay's cap, and also for that of Sir Michael, if such a modus for 1904 was agreed upon as was that of 1891.

I have never said a word to Mr. Hay about this particular matter and the securing in 1891 of that modus vivendi which I urged in my report of 1890. I do not know whether I ought to. If you think it proper and will serve as a useful side light, I venture to ask that you see Mr. Hay and talk it over with him, for, really, the more I think of it the more I am inclined to believe that Sir Michael can easily do again what his distinguished predecessor did in the premises, and for which action he was highly rewarded by his Government, in spite of the bitter opposition of the Canadians.

With every regard for you,

I am, faithfully, your friend,

HENRY W. ELLIOTT.

Hon. JOHN A. KASSON, *Washington, D. C.*

[Inclosure.]

WASHINGTON, D. C., *December 10, 1901.*

During a call made upon Mr. John A. Kasson this morning and for the purpose of understanding fully what the High Joint Commission did about the fur seal question before it was strangled by the boundary dispute February 22, 1899, Mr. Kasson said to me that I ought to reduce to writing that account which I had given him of the adoption of my modus vivendi of 1891-1893; this account to be sealed and not broken during the life of the British ambassador, the other party, James G. Blaine, being dead.

I therefore make the following statement, which will constitute a complete sequel to my diary notes of what took place between Mr. Blaine and myself prior to my interview with Sir Julian.

Wednesday, April 22, 1891: After due reflection and in spite of the fact that I had never met the British minister, I resolved this morning to call upon him and put the question directly to him whether or no he had refused to entertain any proposition for a *modus vivendi* in Bering Sea for the protection of the fur seals, as he was charged with doing by Charles Foster on the 13th instant (see preceding memoranda).

I took the Connecticut Avenue street car on F, corner Tenth NW., and entered the British Legation door at half past 10 o'clock in the morning; the servant took my card, left me standing in the hall, returned in a few minutes saying that Sir Julian was dressing and would see me when he came down. I was ushered into the office, which opens directly from the hall, opposite the drawing-room. I had penciled on my card the words "concerning the fur seals of Alaska," so that he might know what I was after.

I was not alone more than 10 or 15 minutes before Sir Julian came into the room, and he greeted me with the greatest courtesy, saying that he had heard a great deal about me and that he had asked Secretary Blaine to introduce me several times.

I replied, saying that I too had often asked Mr. Blaine to present me, but that he had not done so.

"I have called on you, Sir Julian, this morning on my own responsibility. I do not come from Mr. Blaine. I have come to make an inquiry which may be improper; if it is, pardon me and give no answer, but I want to inform you that an order to kill 60,000 fur seals was given to the lessees of the seal islands on the 11th instant; that this order to kill was based upon the refusal of your Government to unite with mine in a *modus vivendi* whereby all killing on land and in the sea is to be suspended during the coming season in Bering Sea. If this refusal of your Government to act with mine is authentic, then I want to say to you from my full knowledge and understanding of the question that killing 60,000 young male seals on the Pribilof Islands this summer means the absolute extermination of that life up there, and the shame of this doing is upon your Government."

Sir Julian's manner instantly changed as I spoke; his expression became one of intense surprise; he answered in language substantially as follows, walking up and down the end of the room where we were standing, alternately facing and partly turning from me:

"It is not true; my Government has been trying to get Mr. Blaine to agree upon some such plan ever since the opening of March, and it was not until the 7th day of this month that he agreed to it, and I am expecting to hear by return post of the acceptance by my Government of the *modus vivendi*. I posted the offer of Mr. Blaine on the same day and immediately after he made it to me. Really, my dear sir, you surprise me. I do not believe that Mr. Blaine knows what he does want. I have been having quite a time trying to find out."

We then talked a few minutes about the condition of the seals, the attitude of the Canadians, and of our lessees. He said that it was a case in which the testimony was exceedingly conflicting, and that under the circumstances the only humane and wise thing to do was to stop the killing for a season at least and look into the matter during the meantime. He said that as far as he was concerned his sympathy was for the seals and he would give them the benefit of every doubt.

I then took my departure, having been with him about half an hour.

HENRY W. ELLIOTT.

THE LESSEES, D. O. MILLS, UNITED STATES SENATOR ELKINS, AND ISAAC LIEBES, PARTICIPATE IN THE PROFITS OF THIS ILLEGAL KILLING OF SEALS AND HAVE FULL KNOWLEDGE OF THAT WORK.

The interest which these lessees had in getting those 343,365 seal skins is clearly established by an exhibit of their profit in the business, as given *antes*, page 14.

The question at once arises, Since these men have made a net gain for themselves of \$5,000,000, have they made that gain honestly?

The answer, based upon the following facts of record, is that they have not; they have violated the law and regulations of the Government, in order to get those seals; and, in so doing they have wrought

great injury to the fur-seal herd to the end of practically destroying its value, for the next 10 years. To gain that end of violating these rules and regulations of the Government, these men, Liebes, Tevis, Mills, and Elkins, have successfully combined with certain agents of the Government in charge of the seal islands, as will appear by the following:

II. Isaac and Herman Liebes, Lloyd Tevis, D. O. Mills (lessees), on the 12th day of March, 1890, combined with Stephen B. Elkins and George R. Tingle to deceive William Windom, Secretary of the Treasury, in order to gain from him the lease of the seal islands of Alaska, said lease running from May 1, 1890, to May, 1910 (20 years).

They were successful, and so secured the lease (full details of which were given to the Ways and Means Committee, January 14, 1907, by Henry W. Elliott, and renewed by him to the House Committee on Expenditures in the Department of Commerce and Labor, May 15, 1911).

III. On the 5th day of April, 1891, Charles J. Goff, United States special agent in charge of the seal islands, was removed therefrom, through the combined efforts of said lessees and Charles Foster, Secretary of the Treasurer, said Goff having stopped said lessees in their illegal and injurious killing of seals on the Pribilof Islands, June 20, 1890, and having recommended that all killing by said lessees be suspended entirely for an indefinite term of years for the public good.

Said lessees had one W. H. Williams appointed in Goff's place April 5, 1891, and with Charles Foster's own selection also, Joseph Stanley Brown was appointed April 23, 1891, to visit the islands as his own personal representative "to get the facts," etc.

These men reached the island June 10, 1891; the international *modus vivendi* of June 15, 1891, was anticipated by them, in their instructions of May 27, 1891, which were not to permit the lessees to take more than 7,500 seals. These orders were duly entered in the official journal on the islands, June 13, 1891. In spite of this specific order not to permit the killing of more than 7,500 seals on both islands during the entire season of 1891, yet these lessees so influenced these agents, Williams and Brown, as to actually kill and secure the skins of 13,695 seals by August 11 following, and have the same regularly endorsed by them.

IV. On June 9, 1892, said Joseph Stanley Brown, returned to the seal islands as the "chief special agent in charge"; and, on July 8, 1892, he ordered that the entire supervision and control of the Government over the lessees on the killing grounds be given to the lessees; thus, as the following certified copy of the official orders reads on the official journal of the United States Treasury agent, St. Pauls Island (p. 2).

FRIDAY, JULY 8, 1892.

The entire control and management of the killing grounds and killing of the seals were given to Mr. Fowler, of the N. A. C. Co., by order of Mr. J. Stanley Brown, agent in charge, and Assistant Agent Murray was ordered to count the seals.<sup>1</sup>

V. Having thus given the entire control of the Government agents over the killing of seals by the lessees to said lessees themselves on the 6th day of June, 1894, Mr. J. Stanley-Brown came back to these seal islands as the paid superintendent of the lessees and took charge of their interests on the killing grounds. The following official entry declares Mr. Brown's association with the lessees (p. 222, official journal of the United States Treasury agent in charge of St. Paul Island):

WEDNESDAY, JUNE 6, 1894.

Steamer *Lakme* of the North American Commercial Co. arrived, having on board J. B. Crowley and wife, as chief agent, and Mr. Judge and wife, also Mr. Brown, superintendent of North American Commercial Co., Mr. Chichester, and Mr. Armstrong.

VI. On May 14, 1896, Secretary of the Treasury John G. Carlisle issued an order to the agents in charge of the seal islands of Alaska, which specifically directed them to prohibit the lessees from "killing yearlings or seals having skins weighing less than six pounds," thus:

[P. 14] Official record or journal of the chief special agent in charge of the seal islands, St. Paul Island. This letter is entered by J. B. Crowley (p. 14) in the journal of his office Tuesday, June 17, 1896, and before the killing was begun.]

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., May 14, 1896.

Mr. J. B. CROWLEY,  
*Special Agent in Charge of the Seal Islands,  
care of North American Commercial Co.,  
San Francisco, Cal.*

SIR: I inclose herewith for your information copy of a letter, dated the 13th instant, addressed by me to the Secretary of the Treasury and approved by him, in relation to the taking of fur seals on the Pribilof Islands and determining the quota of such seals to be allowed the North American Commercial Co. during the season of 1896. You are instructed to permit said company to take on the islands during the season of 1896 all killable male seals over and above the number which in your opinion is sufficient to fertilize the female seals, the number taken not to exceed in any event 30,000 seals. The killing of yearlings and seals whose skins weigh less than six pounds is prohibited.

Respectfully, yours,

C. S. HAMLIN, *Acting Secretary.*

True copy.

Attest:

A. F. GALLAGHER.

<sup>1</sup> Mr. J. Stanley Brown appears in 1894, on the seal islands, as the "superintendent of the N. A. C. Co." He is still useful in this conspiracy as late as 1909, in the attempt then made by the Bureau of Fisheries to renew the Elkins lease, as the following official letter attests:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
Washington, December 16, 1909.

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal-island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object to correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

In spite of this distinct prohibition of the killing of "yearlings" by the Secretary, yet the records of the London sales show that the lessees took some 8,000 "yearling" or "eyeplaster" skins in open, flagrant violation of these specific rules of the department in getting this quota of 30,000 seals allowed them subject to those orders.

The part which Mr. Joseph Stanley-Brown took in loading those small yearling skins, 8,000 of them, in order to weigh them in as "not under six pounds, and as 2-year-old male seals" after Secretary Carlisle's orders were posted, may be easily understood. It needs no description.

Dr. Jordan, in his final report, declares that he is under great obligations to Mr. Brown for the valuable aid given him (Jordan) while studying the seal herd.



**EXHIBIT IV. THE EXPERTS QUOTED BY SECRETARY NAGEL AS HIS ADVISERS IN KILLING FUR SEALS IN VIOLATION OF LAW, ALL DENY THEIR RESPONSIBILITY, AND ALL DENY ANY PERSONAL KNOWLEDGE AS TO WHETHER THAT KILLING WAS LEGAL OR ILLEGAL, AS DONE BY NAGEL.**

On April 26, 1909, Secretary Charles Nagel was notified in specific detail that his agents, under his directions, were killing seals on the Pribilof Islands in open, flagrant violation of the law and regulations. On May 18, 1910, the executive committee of the Camp Fire Club of America addressed a stirring letter of protest to the Secretary of Commerce and Labor against any further killing of seals on the Pribilof Islands for commercial purposes, and the Secretary was warned that if any seals were killed by him it would be a breach of the faith reposed in him by the Senate Committee on Conservation of National Resources. This being ignored, on May 27, 1910, the executive committee of this Camp Fire Club addressed a second letter recording its final protest, and warning the Secretary of Commerce and Labor not to make a false step in the matter. This warning was unheeded, and under orders from the Secretary of Commerce and Labor, dated May 9, 1910, 12,920 fur seals were slaughtered on the Pribilof Islands in June and July, 1910.

On December 16, 1910, the skins of those seals thus slaughtered and taken by the order of Secretary Charles Nagel, as above stated, were sold in the London fur market, and the official records of the sale revealed the fact that 7,733 of those skins were classified as "small pups" and "extra small pups." The London measurements which declare this classification show that these skins were taken in violation of the law and regulations.

On January 9, 1911, Senator Knute Nelson introduced Senate bill No. 9959, entitled "An act to protect the seal fisheries of Alaska, and for other purposes." This bill was introduced at the request of the Camp Fire Club of America for the purpose of preventing by mandatory law the killing of any fur seals on the Pribilof Islands for commercial purposes during the next five years.

On January 10 the chairman of the Senate committee submitted a copy of this bill thus introduced by Senator Nelson, to Secretary Charles Nagel, and asked him to express his opinion officially to the committee upon its merits, alluding also to the protests against his killing in 1910 and thereto recorded, and made directly against the action of his agents, killing seals under his direction, in violation of the law and regulations. On January 14, 1911, Secretary Charles Nagel addressed the following letter to Chairman Dixon:

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
*Washington, January 14, 1911.*

MY DEAR SENATOR: I have your communication of the 12th instant inclosing Senate bill No. 9959 to amend an act entitled "An act to protect the seal fisheries of Alaska, and for other purposes."

The essential purpose of this bill I take to be a suspension of seal killing for a period of five years from and after the 1st day of May, 1911. Since the hearing before your

committee last year I have had some occasion to consider this question with the result that the impressions then expressed have, if anything, been strengthened.

Under existing conditions I can not believe that the seal herds would be in any sense conserved by suspending the killing of male seals in the manner in which it is now being done. So long as pelagic sealing is continued there does not appear to me to be even room for discussion. I believe it can be demonstrated that the number of female seals killed by the pelagic sealers substantially equals the number of male seals killed by the Government. If that be true, one and perhaps the chief argument which has been advanced would seem to be without foundation.

However, if pelagic sealing were discontinued and all the female seals were absolutely protected, I still believe that it would be perfectly safe, and in a measure necessary, in so far as the conservation of the herd is concerned, to kill a certain percentage of male seals. Of course my personal judgment is without value. I am relying upon the advice of experts who have been appointed to inquire and report and who have given the department the benefit of their opinion.

I gather that a further ground has been assigned for the discontinuance of seal killing, namely, that such discontinuance would be received by foreign countries as proof of our disinterestedness and that such a course would serve to promote the consummation of treaties to prohibit pelagic sealing. If this were so, I should, of course, advocate the discontinuance, but I have no intimation from the State Department that such a course on our part would have the slightest bearing upon pending negotiations. I can not undertake to speak upon this phase of the question, but no doubt that information can be readily obtained from the State Department.

I am glad to say that the results of the first year's experience under the law enacted last year are now at hand. Compared with the amounts received under the contract system the showing is, I think, a very satisfactory one. At the same time I would not be understood as saying that a gain in the receipt of a few hundred thousand dollars ought to be conclusive in determining the Government's policy. On the contrary, I am of the opinion that the primary consideration to have in mind is one of conservation, namely, the preservation of the herds. If I could believe that the policy which the Government now pursues in any sense endangers the herds, I should advocate a change. My recommendation with respect to the bill now pending is based upon the opinion that the Government is now killing only such male seals as may be regarded as surplus, and that the preservation of the herds is not in any degree affected by this policy.

If it is proposed to have a hearing upon this bill, I respectfully ask that as much notice as possible be given, so that I may make sure to have present those representatives of the bureau and such members of the boards and commissions as are more especially conversant with the question.

Very sincerely, yours,

(Signed) CHARLES NAGEL.

Hon. JOSEPH M. DIXON,  
*United States Senate.*

In this letter above cited, Secretary Nagel says that he himself possesses no knowledge as to the work being done on the islands, but that he issued his orders and relied upon the judgment of experts duly qualified and appointed, who gave him their advice. On June 9, 1911, Fish Commissioner Bowers, representing the Secretary of Commerce and Labor, appeared before the House Committee on Expenditures in the Department of Commerce and Labor, and presented to the Committee the names of those experts upon whom the department relied as its authority for killing small seals in violation of law and regulations.

Mr. Bowers testified as follows (June 9, 1911, Hearing No. 2, p. 109):

Mr. BOWERS. Yes, sir. I ought to have another statement here that I would like to have offered, but I am not able to find it at present. If the gentleman will permit, I wish to say that these regulations are in conformity to recommendations made by this advisory board.

Mr. CABLE. Give the names of the members of the advisory board.

Mr. BOWERS. The members of the Fur-Seal Board and of the Advisory Board, Fur-Seal Service, are as follows:

"In the Bureau of Fisheries, general matters regarding the fur seals are considered by a fur-seal board, consisting of the following:

"Dr. Barton Warren Evermann (chairman), who is chief of the Alaska Fisheries Service and who has been in Alaska a number of times. He was a member of the Fur

Seal Commission of 1892, when he spent six months in the North Pacific and Bering Sea and on the seal islands studying the fur seal.<sup>1</sup>

"The Advisory Board, Fur-Seal Service, consists of the following:

"Dr. David Starr Jordan, president of Stanford University, who was chairman of the International Fur-Seal Commissions of 1896 and 1897, appointed in pursuance of the treaty of February 29, 1892, and whose published report in four volumes is the most comprehensive, thorough, and valuable treatise that has ever been published on all matters pertaining to the fur seal and the seal islands. Dr. Jordan is the most distinguished and best-known naturalist in the world.

"Dr. Leonhard Stejneger, head curator of biology, United States National Museum, for two years resident on the Russian seal islands, member of the Fur-Seal Commissions of 1896 and 1897, as a member of which he visited and studied all the fur-seal rookeries of Alaska, Russia, and Japan. His report on the Russian seal islands is the most critical and thoughtful that has been written.<sup>2</sup>

"Dr. C. Hart Merriam, until recently Chief of the Biological Survey, member of the Fur-Seal Commission of 1890, and the greatest living authority on mammals.<sup>3</sup>

"Dr. Frederic A. Lucas, director of the American Museum of Natural History, member of the Fur-Seal Commissions of 1896 and 1897, and one of the keenest, most discerning and best-known naturalists.<sup>4</sup>

"Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the fisheries steamer *Albatross*, member of the Fur-Seal Commissions of 1896 and 1897, and distinguished as a naturalist and field investigator. Dr. Townsend made a special study extending over many years of our fur seals and pelagic sealing.<sup>5</sup>

These experts thus certified to the committee as the authority upon whom the department relied for this killing, above stated, in violation of law and regulations, were Messrs. Merriam, Stejneger, Lucas, Townsend, Evermann, and Lembkey.

Thereupon the committee summoned those experts to appear and testify as to their knowledge of this killing as above stated. The following analysis of their testimony declares the fact that not one of those experts was above quoted by Secretary Nagel, January 14, 1911, and June 9, 1911, except Lembkey had any knowledge whatever of this killing as ordered by Secretary Nagel. They also declared complete ignorance of the work as it has been done under orders of Secretary Nagel; and still further they all declared, except Lembkey, that they, of their own personal knowledge, can not pass any opinion upon this work as to whether it was legally or illegally done. This testimony follows, being taken from the sworn statements of those gentlemen and paralleled with that of their own writings and the depositions of their associates in the Bureau of Fisheries, "Advisory board fur-seal service," to wit:

# I.

*The sworn statements of Dr. C. Hart Merriam, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and to the House Committee on Expenditures in the Department of Commerce and Labor, June 9, 1911, by Secretary Charles Nagel as his authority for killing seals in violation of the law and the regulations, to wit:*

Mr. BOWERS. The members of the fur-seal board and of the advisory board, fur-seal service, are as follows:

Dr. C. Hart Merriam, for many years chief of the Bureau of Biological Survey, and perhaps the ablest living mammalogist of the world.

Dr. Merriam was one of the two special commissioners sent to the seal islands in 1891 by the United States Government to study, in conjunction with commissioners from Great Britain and Canada, the island life of the seals. (Hearing No. 2, p. 109, June 9, 1911, H. Com. Exp. Dept. C. & L.)

<sup>1</sup> Evermann testified that his "experience" on the islands was just nine days in 1895.

<sup>2</sup> Stejneger has testified that his "experience" on the islands was just 10 days, in 1896.

<sup>3</sup> Merriam has testified that his "experience" on the islands was just 10 days, in 1891.

<sup>4</sup> Lucas has testified that his "experience" on the islands was just 92 days, or "about so long," in two years.

<sup>5</sup> Townsend has testified that his "experience" on the islands was just 212 days, or "about so long," in 10 years.

## THE DEADLY PARALLEL.

Secretary Nagel don't know anything himself—he relies wholly upon the advice of experts duly appointed.

The letter of Secretary Charles Nagel in answer to inquiry by Committee on Conservation of National Resources as to his "authority" for his work of killing fur seals on the Pribilof Islands in violation of law and rules, and who puts this killing as done squarely upon Jordan, Stejneger, Merriam, et al.

[Copy.]

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
*Washington, January 14, 1911.*

MY DEAR SENATOR: I have your communication of the 12th instant inclosing Senate bill No. 9959 to amend an act entitled "An act to protect the seal fisheries of Alaska, and for other purposes."

The essential purpose of this bill I take to be a suspension of seal killing for a period of five years from and after the 1st of May, 1911. Since the hearing before your committee last year I have had some occasion to consider this question with the result that the impressions then expressed have, if anything, been strengthened.

Of course my personal judgment is without value. I am relying upon the advice of experts who have been appointed to inquire and report and who have given the department the benefit of their opinion.

\* \* \* \*

If it is proposed to have a hearing upon this bill, I respectfully ask that as much notice as possible be given, so that I may make sure to have present those representatives of the bureau and such members of the boards and commissions as are more especially conversant with the question.

Very sincerely, yours,  
(Signed) CHARLES NAGEL.

Hon. JOSEPH M. DIXON,  
*United States Senate.*

The fur-seal "experts" alluded to by Secretary Nagel in the above letter are all "officially" and modestly presented, June 9, 1911, to the House Committee on Expenditures in the Department of Commerce and Labor, as follows (see p. 109, Hearing No. 2) (Hearing No. 14, pp. 914-918, July 25, 1912.):

But Merriam swears that he has not advised Secretary Nagel, and does not know anything about it, either.

THE CHAIRMAN. Well, how long have you been on the advisory board?

DR. MERRIAM. Since the beginning. I do not remember the date; but I have been absent from the city during a number of the sittings of that committee, as I am engaged in field work in the West at least half of every year, and therefore have not been in Washington at the time most of these meetings were held.

THE CHAIRMAN. Were you at the meeting of the advisory board that the previous witness referred to in his testimony?

DR. MERRIAM. I do not remember any such meeting.

THE CHAIRMAN. Are you a member of the board now?

DR. MERRIAM. Yes.

\* \* \* \*

MR. ELLIOTT. One question more. I understood you to say that you had not been in consultation with Mr. Bowers when he issued his orders for killing 13,000 seals in 1910?

DR. MERRIAM. I do not think I was present at any conference when that matter was up.

MR. ELLIOTT. I have no further questions to ask at this time.

THE CHAIRMAN. Is there anything else that you wish to state, Doctor?

DR. MERRIAM. No. (Hearing No. 11, May 16, 1912, pp. 692, 699.)

MR. ELLIOTT. I wish to ask Dr. Merriam some questions. Dr. Merriam, when did you arrive on the seal islands for the first time in your life?

DR. MERRIAM. In the summer of 1891.

MR. ELLIOTT. What was that date—about what time?

DR. MERRIAM. On the morning of July 28.

MR. ELLIOTT. When did you leave?

DR. MERRIAM. I left on August 10. (Hearing No. 11, May 16, 1912, p. 695.)

United States Fish Commissioner Bowers declares that Dr. Merriam is one of his authorities who approves the killing on the islands—

Mr. BOWERS. The members of the fur-seal board and of the advisory board, fur-seal service, are as follows:

FUR-SEAL BOARD,  
BUREAU OF FISHERIES.

In the Bureau of Fisheries, general matters regarding the fur seals are considered by a fur-seal board, consisting of the following:

Dr. C. Hart Merriam, until recently chief of the Biological Survey, member of the Fur Seal Commission of 1890, and the greatest living authority on mammals.

\* \* \* \*

Mr. BOWERS. I had in mind getting the best talent I could; I expected probable criticism.

Mr. TOWNSEND. I am not criticizing you now.

Mr. BOWERS. I endeavored to get the best talent it was possible to get and to act upon their advice in this fur-seal matter. (Hearing No. 2, p. 109, June 9, 1911, H. Com. Exp. Dept. Com. & Labor.)

Lucas says that "Merriam and himself," have "observed," and "have exact knowledge," etc.

AMERICAN MUSEUM  
OF NATURAL HISTORY,  
*New York, February 24, 1912.*

DEAR SIR: Absence from the city has delayed my replying to your favor of February 21, which I am very glad to receive.

Let me say, first, that my exact knowledge in regard to the killing of seals under 2 years of age during the years 1909 and 1910 must, like that of others who did not see the actual killing, be based on the published statement of their weights. In addition, however, I have my own experience to aid in translating these weights. The advisory board recommended that no sealskins under 5 pounds in weight be taken, this being the average weight of a 2-year-old skin. The weight given by Elliott in 1875 was (see postscript) 5½ pounds, but this was based on an average of only 10 skins. There is a bare possibility that

Dr. Merriam denies having any knowledge of what Bowers has been doing—he would "not kill yearlings under any circumstances."

Mr. McGUIRE. Then, in case anyone in the House of Representatives has used your name as a person who would be opposed to the killing on the islands they were wrong about your position?

Dr. MERRIAM. They were wrong. I have never taken any such position. I have always held the contrary. I have always stated, since the first time I went there, that conservative killing on the islands was a benefit to the herd and not an injury, but I should not allow the killing of yearlings under any circumstances, and I should not kill more than 75 per cent of the young on land at any one time. I would be sure to leave more than enough for possible contingencies.

Mr. McGUIRE. Have you made any personal investigation as to whether the Government has killed excessively?

Dr. MERRIAM. I know nothing about that from personal knowledge.

\* \* \* \*

Mr. ELLIOTT. One question more. I understood you to say that you had not been in consultation with Mr. Bowers when he issued his orders for killing 13,000 seals in 1910?

Dr. MERRIAM. I do not think I was present at any conference when that matter was up. (Hearing No. 11, pp. 694, 695, 699, May 4, 1912, H. Com. Exp. Dept. Com. & Labor.)

Dr. Merriam swears that he has no exact knowledge, and has not "observed" with Lucas.

Mr. ELLIOTT. Doctor, while you were on the island did you ascertain the length and weight of a yearling seal?

Dr. MERRIAM. I did not.

Mr. ELLIOTT. Do you know anything about the length and the weight of a yearling sealskin?

Dr. MERRIAM. Nothing.

Mr. ELLIOTT. Did you make any measurements up there?

Dr. MERRIAM. I do not remember offhand. I examined a great many pup seals for sex.

Mr. ELLIOTT. You did not measure the yearlings, Doctor?

Dr. MERRIAM. I measured or at least weighed some of the seals, but I do not remember offhand.

Mr. ELLIOTT. Have you published any record of it?

Dr. MERRIAM. I think not.

these might be short 3-year-olds, but I will let the matter stand as stated. According to the observations of Dr. Merriam and myself there is about 20 per cent variation from the average either way, so that some 2-year-old sealskins would weigh but 4 pounds and others would weigh 6 pounds. The island weights of the skins in 1909 show that a few were taken under 5 pounds, these being small 2-year-olds; and it is, of course, impossible to judge within a half a pound of the weight of a skin while it is on a seal. The accuracy of these weights is corroborated by the London weights given. Please bear in mind that the terms "large pups," "middling pups," etc., given in the London sales table, refer to weights and not to ages. Consequently I haven't the slightest hesitancy in taking my affidavit that undersized skins have not been systematically taken.

The yearling seals are very readily distinguished from all others, as I hope I may have the pleasure of pointing out to you some day either here or in Brooklyn, and their skins would weigh from  $3\frac{1}{2}$  to  $4\frac{1}{2}$  pounds.

\* \* \* \*

Pardon me for troubling you with a number of explanatory details, but I wish above all things to make it clear that I am not speaking by hearsay, or making statements without foundation, but that I am writing of matters with which I have a direct acquaintance.

Faithfully, yours,

F. A. LUCAS.

Hon. EDWARD W. TOWNSEND,  
*Committee on the Library,*  
*House of Representatives.*

(Hearing No. 14, pp. 947, 948, July 27, 1912.)

Just before his cross-examination, he saw seal bulls fighting fiercely on rookery.

Dr. MERRIAM. I do not know the relative importance of the three natural causes of destruction of young pups. The three causes that seem to be the most potent, after doing away, of course, with pelagic sealing, are (1) the destruction of pups by the killer whale in the fall, when the killer whales circle around the islands close to shore and eat large numbers of pups; (2) the destruction by trampling on the rookeries, especially during the battles between the bulls; and (3) the destruction caused by an intestinal worm, which I think of much less consequence than at first supposed, though a number do die from the hookworm disease. These three causes kill a large number of pups each year—pups of the season.

Mr. ELLIOTT. No, and therefore you made no record that we could get hold of to-day?

Dr. MERRIAM. I doubt if I measured any of the 2-year-old seals.

Mr. ELLIOTT. I have never been able to find it.

(Hearing No. 11, p. 699, May 16, 1912.)

But, after his cross-examination, he never saw bulls fighting—just effects of it.

Mr. ELLIOTT. Did you see any fighting of the bulls?

Dr. MERRIAM. I saw no general fighting of the old bulls on the breeding rookeries.

Mr. ELLIOTT. That is right.

Dr. MERRIAM. But I saw much evidence of the fighting by lacerated bulls.

Mr. ELLIOTT. And do you not know it is a matter of official record that this fighting takes place many weeks before the females arrive?

Dr. MERRIAM. It mainly takes place early in the season.

Mr. ELLIOTT. That is right.

Dr. MERRIAM. But is not entirely finished before the females arrive.

Mr. ELLIOTT. But you never saw the finish, did you?



Mr. McGUIRE. You are not prepared to testify as to the relative destructiveness of these three agents?

Dr. MERRIAM. No; I do not know; it would be only a guess.

Mr. McGUIRE. What would be your guess, if you have any guess.

Dr. MERRIAM. My guess would be that the number killed by killer whales and by trampling on the rookeries, assuming the rookeries are pretty full—I do not mean at the present time, when the rookeries are so empty—would be about even.

Mr. McGUIRE. I see.

Dr. MERRIAM. The killing by trampling and the killing by the killer whales would be about even, and the deaths produced by internal parasites would be very much fewer than half of those from either of the other causes.

Mr. McGUIRE. Well, what steps would you take to reduce the killing by trampling? Suppose you were right in charge of that herd, what would you do?

Dr. MERRIAM. The only recommendation that has occurred to me is to lessen the number of superfluous males; in other words, to decrease the fighting.

Mr. McGUIRE. You would do that by diminishing—

Dr. MERRIAM. By thinning out the superfluous males by killing many of them before they are old enough to go on the rookeries, so that the fighting would not be so severe, thus lessening the number of young killed by trampling. The battles are very fierce, as everyone knows who witnesses them.

Mr. McGUIRE. In proportion, then down to a certain number of males, as the number of males are diminished, the losses from trampling are less?

Dr. MERRIAM. That seems rational.

Mr. McGUIRE. Yes; that seems rational. What number of females would you leave for each male? What do you think would be a fair estimate? (Hearing No. 11, pp. 694, 696; May 4, 1912.)

Merriam tells the committee how he would manage so as to kill 75 per cent of the seals only.

Mr. ELLIOTT. I do not wish to have you do it, either, Doctor. Doctor, you said you could "kill down to 75 per cent." How do you know when you are "killing down to 75 per cent"—will you tell the committee how you arrive at that conclusion?

Dr. MERRIAM. I suppose if there are a hundred nonbreeding male seals on the hauling grounds, and 75 per cent of those are driven off, leaving 25, and the 75 are killed, we would have reason to suspect that we had killed 75 per cent of the non-

Dr. MERRIAM. I am not clear enough about that to be willing to make a positive statement.

Mr. ELLIOTT. Did you see any "trampling of pups?"

Dr. MERRIAM. I saw trampling of pups, and I saw a male seal on a belated harem seize a female seal from another harem, and the bull of the harem to whom the female belonged attacked the first one very savagely; that I saw, but it was like the case of the young seal, it was a belated case. Those incidents were mostly over before the time of my visit.

Mr. ELLIOTT. That is exactly as I understand it. You got there too late to see the breeding. Dr. Merriam, did you see any "cows killed and torn to pieces" by these bulls?

Dr. MERRIAM. I saw a cow torn, as I have just stated, but not killed. Whether she died afterwards or not I do not know.

Mr. ELLIOTT. I published that in full detail in 1874. Did I not publish the fact at the same time that all this "fighting" takes place from six to two weeks before the general, full arrival of the cows, except in sporadic cases? (See p. 42, Spl. Bulletin 176, U. S. Com. Fish and Fisheries, 1882.)

The CHAIRMAN. The witness may not know what you wrote.

Mr. ELLIOTT. He is a student of natural history and a specialist on seals, and he certainly read that monograph of mine over and over again. You will admit that, will you not, Doctor?

Dr. MERRIAM. I certainly have not read it for more than 20 years.

Mr. ELLIOTT. You read it when you went up there, all right.

Dr. MERRIAM. I probably read it immediately on my return.

Mr. ELLIOTT. Now, Dr. Lucas, did you see up there a pup trampled to death by a bull?

Dr. LUCAS. No.

Elliott tells the committee that no man can kill down to 75 per cent or 95 per cent, and know when he has done so.

The CHAIRMAN. You make your statement to the committee, and we can get along better in that way.

Mr. ELLIOTT. They can not and do not know how to save that "5 per cent"; I will show you exactly how they do not save that "5 per cent" and can not possibly save it; no living man can.

The CHAIRMAN. You give us your statement.

Mr. ELLIOTT. I will. When they go out to drive up seals they drive up what they find on a given hauling ground. Say

breeding seals present on that hauling ground at that time.

Mr. ELLIOTT. Yes. Then, the next day—right there, that is all right to begin with; that is the first day of the driving. The next day you go out and you find another hundred.

Dr. MERRIAM. Yes; we might find twice as many as on the first day, or only half as many, as these nonbreeding seals go back and forth in the ocean, which the old male seals do not.

Mr. ELLIOTT. You count your second drive of 100 seals, Doctor, and you take another "75 per cent"; how near are you to the fact that you have not killed the seals that you saved the first day? How do you know that you have spared that "25 per cent" when you killed them again the next day you drove and then again took "75 per cent" of them?

Dr. MERRIAM. I would not do all the driving from one rookery. There are a large number of rookeries on the island, which could be driven in succession.

Mr. ELLIOTT. Of course, you can not do it from one "rookery." I did not say you did, but you drive from each and every hauling ground over and over again during the season—from six to ten or more times. (Hearing No. 11, p. 697, May 4, 1912.)

there are 100 on that given hauling ground they kill 95 of them and allow 5 to go, and that is 5 per cent saved. That point is clear, is it not? Then the 5 that are saved go back to the sea, and they go back to the hauling grounds, perhaps, the same day, or even within a half hour they may return to the hauling grounds from whence they were driven. Then in two or three days the native "drivers" go out there again, and these men drive up another 100, and they kill them right down to 5 again, without knowing how many of that 5 were driven over the second time; so they have counted up as saving "10" when they have not saved "5." They go back again to that hauling ground six or seven times before the killing season is over and drive up 100 each time in the same way, and before they get through they do not faintly know how many of that original "5" have been saved. While they theoretically have saved "30," yet they may not have even saved "5" and no living man knows.

Dr. EVERMANN. The only answer to that is that it is not true.

Mr. ELLIOTT. Why is it not true?

Dr. EVERMANN. They have never killed up to 95 per cent.

Mr. ELLIOTT. How do you know?

Dr. EVERMANN. I do not know it, but I simply have the information from the agents' reports.

Mr. ELLIOTT. The agents' reports show it is pretty close killing, and that they, too, do not know. I have followed and studied hundreds of seal drives, and I do know what a man can do in fact and what he can not do in the premises. (Hearing No. 14, p. 934, July 25, 1912.)

## II.

*The sworn statements of Dr. Leonhard Stejneger, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and House Committee on Expenditures in Department of Commerce and Labor, June 9, 1911, by Secretary Charles Nagel, as his authority for killing seals in violation of the laws and regulations, to wit:*

Mr. BOWERS. \* \* \* The advisory board, fur-seal service, consists of the following: \* \* \* Dr. Leonhard Stejneger, head curator of biology, United States National Museum, for two years resident on the Russian seal islands, member of the Fur Seal Commissions of 1896 and 1897, as a member of which he visited and studied all the fur-seal rookeries of Alaska, Russia, and Japan. His report on the Russian seal islands is the most critical and thoughtful that has been written. \* \* \* (Hearing No. 2, p. 109, June 9, 1911.)

THE DEADLY PARALLEL.

Stejneger swears that pups are trampled to death (1912):

INVESTIGATION OF FUR-SEAL INDUSTRY OF ALASKA.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE AND LABOR, HOUSE OF REPRESENTATIVES,

*Saturday, May 4, 1912.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Messrs. Young, McGillicuddy, and McGuire.

STATEMENT OF LEONHARD STEJNEGER.

LEONHARD STEJNEGER, having been duly sworn, was examined, and testified as follows:

Dr. STEJNEGER. In that case, I should say I first came to the Commander Islands in 1882 and stayed until the fall of 1883, remaining the winter.

Mr. MCGUIRE. Continuously?

Dr. STEJNEGER. Yes. I saw the whole business from beginning to end during two seasons. I mapped the rookeries, and I have made a very elaborate report on that. This [handing book to the chairman] gives all the data.

In 1896 I was appointed a member of the Fur Seal Investigation Commission, of which Dr. Jordan was the chairman. We went up early in the season and I stayed on the Pribilof Islands for 10 days with the other members of the commission and went all over the rookeries at that time, and did part of the counting of the rookeries on the American islands, and then went over to the Commander Islands again and inspected the rookeries there, mapped the distribution of the seals on the rookeries then as compared to what they were in 1882, 1883, and 1895.

Mr. MCGUIRE. Now, your testimony with respect to the killing of the pups by the fighting of battles by the males is based upon not only your general information, that you have been able to obtain in general way, but as well upon two years' actual stay upon seal islands?

Dr. STEJNEGER. Yes, sir.

Mr. MCGUIRE. And upon your actual observation?

Dr. STEJNEGER. Surveys of the rookeries.

Mr. MCGUIRE. You have personally observed those conditions, have you?

Dr. STEJNEGER. Yes, sir.

Stejneger denies that pups are trampled to death (1898):

It is certainly very significant that on Bering Island over a thousand pups are yearly driven to the killing ground, there to be released without any visible harm coming to them worth mentioning. If these newly-born seals can stand to be driven three-fourths of a mile from Kishotchnoye and to be repeatedly trampled upon by the larger ones piling up four high, or more, on top of them, it stands to reason that the vigorous holustioki, or even the females, as a whole can suffer but little injury from the same cause. (Fur-Seal Investigations, Part IV, 1898, p. 101, by Leonhard Stejneger.<sup>1)</sup>)

NOTE.

Dr. STEJNEGER. I should think that if they were left and had been left for some time by themselves it would be the fighting of the males.

Mr. MCGUIRE. The fighting of the males and trampling of the pups?

Dr. STEJNEGER. Fighting of the males and trampling of the pups. (Hearing No. 11, p. 702, May 4, 1912, H. Com. Exp. Dept. C. and L.)

Stejneger denies the quotation:      But Stejneger is correctly quoted.

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as follows:

Mr. ELLIOTT. Drive all classes—bulls,  
cows, and pups up together?

Dr. STEJNEGER. Gathering in every  
seal that they could lay their hands on in  
the Russian Islands, so as not to let pelagic  
sealers get hold of them.

Mr. ELLIOTT. Since you have suggested  
that remarkable order of work on the Rus-  
sian Islands, you are quoted by one of  
your associates recently, before another  
committee, as saying that one bull seal  
was sufficient to serve 250 or 500 females.  
Are you really properly quoted there?

Dr. STEJNEGER. I am certainly mis-  
quoted.

Dr. EVERMANN. There is no such quo-  
tation.

Mr. ELLIOTT. I have it here published.

Dr. EVERMANN. I ask Mr. Elliott to  
produce it. Now is the time to pro-  
duce it.

The CHAIRMAN. Do you have it with  
you?

Mr. ELLIOTT. Yes; it is here, and I will  
put the whole thing in right now. I have  
got it right here. I will put it right in,  
and have it printed.

Dr. EVERMANN. I insist it be put in  
now. We want it now.

Mr. ELLIOTT. It will go right in. Now,  
I have got it right here.

The CHAIRMAN. Take your time and do  
it. Dr. Evermann wants it produced,  
and I think it ought to be placed in the  
record if it can be found.

Dr. EVERMANN. If he has it, the thing  
to do is to show it.

Mr. ELLIOTT. Here it is. [Exhibiting  
paper to the committee.] Now, right  
here, in the Seattle Sunday Times, issue  
of October 11, 1908, I state to Mr. Frank  
H. Hitchcock, who has quoted from Dr.  
Jordan's letter to him, dated January 12,  
1904 (Swarthmore College, Pennsylvania),  
[reading]:

"Now, most all of these men know bet-  
ter, but are silent in the shadow of Jordan.  
Even Stejneger, with his fairy tale of two

Astounding as it appears, there can be  
but little doubt that the single old bull  
had served the 526 females on this rookery  
(Poludinnoye) and was, moreover, in fit  
condition to keep the younger bull at a  
respectful distance as late in the season as  
July 30. (Fur Seal Investigations, Pt.  
IV, 1898, p. 168, by Leonhard Stejneger.)

bulls being enough to serve 500 cows (which Jordan so gravely quotes here to you with all of the pompous gravity and true coarseness of ignorance)—even he can not find a trace to-day of either those 'two bulls' or '500 cows' which he so specifically describes on Copper Island in 1896—good reason—they are extinct. That ghost dance has ended forever over there. But Jordan does not even know it at this late hour."

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Mr. ELLIOTT. Drive all classes—bulls, cows, and pups up together?

Dr. STEJNEGER. Gathering in every seal that they could lay their hands on in the Russian Islands, so as not to let pelagic sealers get hold of them.

Mr. ELLIOTT. Since you have suggested that remarkable order of work on the Russian Islands, you are quoted by one of your associates recently, before another committee, as saying that one bull seal was sufficient to serve 250 or 500 females. Are you really properly quoted there?

Dr. STEJNEGER. I am certainly misquoted.

Dr. EVERMANN. There is no such quotation.

Mr. ELLIOTT. I have it here published.

Dr. EVERMANN. I ask Mr. Elliott to produce it. Now is the time to produce it.

The CHAIRMAN. Do you have it with you?

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Mr. ELLIOTT. Here it is. [Exhibiting paper to the committee.] Now, right here, in the Seattle Sunday Times, issue

Astounding as it appears, there can't be but little doubt that the single old bull had served the 526 females on this rookery (Poludinnoye), and moreover, was in fit condition to keep the younger bull at a respectful distance as late in the season as July 30. (Fur Seal Investigations, Pt. IV, 1898, p. 168, Leonhard Stejneger.)

Dr. EVERMANN. But permit me to quote the words of several distinguished zoologists who have studied the fur seal on the land and in the sea. \* \* \*

First. I want to quote from Dr. David Starr Jordan, president of Stanford University. \* \* \* Therefore only 1 bull in 30 is absolutely necessary under present conditions. That this limit could be materially lowered without positive danger to the herd is conclusively shown by the \* \* \* observations of the past three years, as detailed by Dr. Stejneger, show that a male fur seal is capable of attending to the wants of between 100 and 200 cows. \* \* \* (Hearings on H. R. 16571, Jan. 4, 1912, pp. 129, 130, H. Com. Foreign Affairs.)

of October 11, 1908, I state to Mr. Frank H. Hitchcock, who has quoted from Dr. Jordan's letter to him, dated January 12, 1904 (Swarthmore College, Pennsylvania), [reading]:

"Now, most all of these men know better, but are silent in the shadow of Jordan. Even Stejneger, with his fairy tale of 2 bulls being enough to serve 500 cows (which Jordan so gravely quotes here to you with all of the pompous gravity and true coarseness of ignorance)—even he can not find a trace to-day of either those 'two bulls' or '500 cows' which he so specifically describes on Copper Island in 1896—good reason—they are extinct. That ghost dance has ended forever over there. But Jordan does not even know it at this late hour."

Stejneger swears he did not recommend renewal of the lease:

The CHAIRMAN. Are you a member of the advisory board on fur seals?

Dr. STEJNEGER. Yes, sir.

The CHAIRMAN. You say you have been together once or twice. When was that?

Dr. STEJNEGER. The first time, I think, was just before the expiration of the old lease, and when the board recommended that the Government take over the sealing business and not let the islands to any company to exploit.

The CHAIRMAN. You say that was done for the purpose of discussing whether there should be another lease or not?

Dr. STEJNEGER. Yes. We were asked our opinion whether that would be the better procedure for the Government, to undertake the sealing itself or to lease it to a company. That is my recollection. I want you to understand that so far as my understanding goes, these were the meetings in which I have taken part. There may have been others, for all I know.

The CHAIRMAN. At this meeting, when it was discussed as to whether there should be a re-leasing of the islands, what was your decision in the matter?

Dr. STEJNEGER. Our recommendation was that the Government take over the whole business.

The CHAIRMAN. And not lease the islands any longer?

Dr. STEJNEGER. And not lease the islands any longer to any company.

The CHAIRMAN. And you say that you met at the suggestion of the Secretary of Commerce and Labor?

Dr. STEJNEGER. That is my recollection. We were appointed or we got a letter from the Secretary of Commerce and Labor asking us to serve in an advisory capacity to him. We determined

Sworn proof submitted that he did recommend renewal of lease:

Exhibit No. 3, being a "draft of new lease for seal islands" handed to George M. Bowers, December 15, 1909, by Barton W. Evermann and said draft "is prepared by the Bureau of Fisheries" and "by its advisory board on fur-seal service, in compliance with your request" (i. e., George M. Bowers), as follows:

#### EXHIBIT No. 3.

DEPARTMENT OF  
COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, December 15, 1909.*

Mr. COMMISSIONER: There is handed you herewith for your consideration a draft of lease of the seal islands. This has been prepared by Mr. Lembkey and myself in compliance with your request. We have endeavored to make the form of the lease agree with the recommendations recently made by the advisory board, fur-seal service, in conference with the fur-seal board. For your convenience a number of references and citations have been indicated. It is believed that an examination of this tentative draft will enable the Secretary to arrive at the exact form desired.

Respectfully,

BARTON W. EVERMANN.  
*Assistant in charge Scientific Inquiry.*

The lease should be renewed. It is foolish to abolish killing on land while seals are being killed in the water. Cessation of killing on land means encouragement to pelagic sealing. Should pelagic or sea killing be abolished, it might be well to have a closed season on land as well, to allow the herd to recuperate.



nothing; we just recommended. We gave our opinion on certain points and recommended it; that is all.

The CHAIRMAN. Did you put that in writing and send it to the Secretary?

Dr. STEJNEGER. I think there was undoubtedly a letter at that time.

The CHAIRMAN. Was it your opinion that the further leasing of the islands would not be for the best interests of the Government?

Dr. STEJNEGER. Most decidedly. (Hearing No. 11, pp. 675, 676, May 4, 1912.)

DEPARTMENT OF  
COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, December 16, 1909.*

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the releasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

Exhibit No. 7, being the official letter of "George M. Bowers, commissioner," to Secretary Commerce and Labor, dated February 8, 1910, inclosing copies of three letters, all urging renewal of the seal lease and giving the reasons of the writers for such renewal, to wit, H. H. Taylor, president N. A. C. Co. (lessees), dated January 27, 1910; C. H. Townsend, for "fur-seal advisory board," dated January 31, 1910; Alfred Fraser, London agent for the N. A. C. Co. (lessees), January 28, 1910, as follows. (Hearing No. 3, pp. 152-157, July 6, 1911.)

Stejneger says Hitchcock agreed with him in opposition to the "Hitchcock rules" issue:

Mr. ELLIOTT. One more question: When Chief Clerk Hitchcock, of the Department of Commerce and Labor, was preparing the "Hitchcock rules," putting a check on this killing of all those seals which you

Sworn proof submitted that Hitchcock issued the rules in opposition to Stejneger's wish:

Mr. ELLIOTT. He did? Right there I want to ask you about this: On page 53 of "Hearing on Fur Seals," March 10, 1904, Ways and Means Committee, House of Representatives, Mr. Hitchcock, under

recommended the slaughter of just now [to Mr. BOWERS], did he consult with you about this matter?

Dr. STEJNEGER. He did.

Mr. ELLIOTT. And you advised him to do just what you said now?

Dr. STEJNEGER. I did.

Mr. ELLIOTT. What did he say to you? Do you remember?

Dr. STEJNEGER. He said that that was not in his hands. He said it was up to Congress. He said he consulted me, not as to what he should do, but as to what he should answer to the committee that was then handling the question in Congress.

Mr. ELLIOTT. Did he agree with you?

Dr. STEJNEGER. He did. (Hearing No. 11, p. 682, May 4, 1912.)

All killing of fur seals on Pribilof Islands is ordered under "recommendation of advisory board," of which Stejneger is a member:

Mr. BOWERS. I have referred, in my report of June 30, 1909, to the Alaskan fur-seal service as follows:

"On the establishment of the Department of Commerce and Labor, in 1903, the Alaskan fur-seal service was transferred thereto from the Department of the Treasury, to which it had been attached for many years. In the Department of Commerce and Labor this service formed a distinct branch and was administered through the Secretary's office until December 28, 1908, when it was transferred to the Bureau of Fisheries. The Commissioner of Fisheries has appointed a special board, composed of five members of the bureau's staff who have personal knowledge of the Alaskan fur seals, and to this board will be assigned for consideration and recommendation all matters pertaining to the seal life on the Pribilof

the caption of an additional statement, says:

"I want to say to the committee that the restrictions I proposed this morning would be considered extreme by these gentlemen. There is not one of these scientists who has suggested measures that are nearly as radical as those I have proposed. I have purposely made the regulations somewhat extreme, in the view of these gentlemen, with the idea of being on the safe side, particularly during the first year of the department's administration of the seal service."

And he is alluding to yourself and your associates?

Dr. STEJNEGER. Where is that allusion?

Mr. ELLIOTT. Preceding here. You will find it on this page.

\* \* \* \* \*

Mr. ELLIOTT. Therefore, Mr. Hitchcock did not agree with you, did he?

Dr. STEJNEGER. I did not say he did not agree with me.

Mr. ELLIOTT. I thought you said he agreed with you?

Dr. STEJNEGER. That he could do it. That does not mean necessarily that the rules should be framed accordingly. That is altogether different.

Mr. ELLIOTT. In other words, Mr. Hitchcock did not take your advice when he proposed those rules?

Dr. STEJNEGER. He certainly did not.

Mr. ELLIOTT. That is what I want; that is it, Doctor. (Hearing No. 11, pp. 682-684, May 4, 1912.)

Stejneger swears that he does not know whether the killing has been in violation of law or not:

The CHAIRMAN. Do you know whether, of your own personal knowledge, seals have been killed that were too small or too young, under the act of Congress?

Dr. STEJNEGER. I do not know, because I have not been on the island since 1897—since 1896.

\* \* \* \* \*

The CHAIRMAN. Mr. Elliott, do you want to ask him any questions?

Mr. ELLIOTT. I have only a few questions to ask him. Dr. Stejneger, what is the length of a yearling fur seal of the Alaskan herd?

Dr. STEJNEGER. I could not tell you.

Mr. ELLIOTT. Have you ever measured one of the Alaskan herd?

Dr. STEJNEGER. No.

Mr. ELLIOTT. You do not know anything about the length of a skin of a yearling seal as taken from the body?

Islands, the blue foxes, and other animal resources on the islands, and the Government's relations to the natives and the lessees. On January 13, 1909, the Secretary, on the recommendation of the commissioner, appointed an advisory board for the fur-seal service, consisting of Dr. David Starr Jordan, Dr. Leonard Stejneger, Dr. C. Hart Merriam, Mr. Frederic A. Lucas, Hon. Edwin W. Sims, Hon. Frank H. Hitchcock, and Mr. Charles H. Townsend. The Government is thus enabled to avail itself of the expert knowledge possessed by these naturalists and officials, who, through visits to the seal islands and through previous duty on fur-seal commissions or in the administration of the fur-seal service, are familiar with the problems involved in the management of the seal herd and the seal islands. (Hearing No. 2, p. 78, June 9, 1911.)

Stejneger swears that pups are naturally trampled to death by the bulls, but—

Mr. McGUIRE. According to your observation, now, Doctor, if those herds were left alone untouched by man, what would you regard as the principal agencies of destruction of that animal life?

Dr. STEJNEGER. The principal destruction would probably be the killing or the death of the old by natural causes.

Mr. McGUIRE. Would you regard that as about the second most destructive agency?

Dr. STEJNEGER. I should think that if they were left and had been left for some time by themselves it would be the fighting of the males.

Mr. McGUIRE. The fighting of the males and trampling of the pups?

Dr. STEJNEGER. Fighting of the males and trampling of the pups.

Mr. McGUIRE. Then, where they were left untouched until they had accumulated large numbers of males, would there have been trampling under those conditions?

Dr. STEJNEGER. That is the greatest danger to the herd.

Mr. McGUIRE. Now, your testimony with respect to the killing of the pups by the fighting of battles by the males is based upon not only your general information, that you have been able to obtain in general way, but as well upon two years' actual stay upon seal islands?

Dr. STEJNEGER. Yes, sir.

Dr. STEJNEGER. Of a yearling seal? I do not know; I have never seen a yearling seal killed on the American islands.

Mr. ELLIOTT. Were you in consultation with Mr. Bowers when he ordered the killing of 12,920 seals on the seal islands in 1910?

Dr. STEJNEGER. Do you mean in personal special consultation with Mr. Bowers?

Mr. ELLIOTT. Did Mr. Bowers—

Dr. STEJNEGER. Not outside of what I have said in the board.

Mr. ELLIOTT. No, no. I asked you, did Mr. Bowers advise with you?

Dr. STEJNEGER. Personally?

Mr. ELLIOTT. Not when he issued his order to kill 12,920 seals in 1910?

Dr. STEJNEGER. I do not quite understand whether it was with me personally or as a member of the board.

Mr. ELLIOTT. Well, as a member of the board, do you remember any consultation with him about issuing those orders?

Dr. STEJNEGER. No; I do not remember. (Hearing No. 11, pp. 679, 681, May 4, 1911.)

Lucas swears that pups are not trampled to death by the bulls:

Mr. ELLIOTT. How many days were you on the islands in 1896? I want that answered.

Dr. LUCAS. On the islands and at sea on the *Rush*, going to and from St. Paul and St. George—

Mr. ELLIOTT. That is not my question, sir.

Dr. LUCAS. I will have to figure it up if you want the exact number of days.

Mr. ELLIOTT. Then you don't know?

Dr. LUCAS. I can find that out. I have it on record here.

The CHAIRMAN. About how many days?

Dr. LUCAS. About 50 days in 1896, allowing about 9 days' time spent at sea going to and from one island to another.

Mr. ELLIOTT. In 1897 how many days were you on the islands?

Dr. LUCAS. About 42 days.

Mr. ELLIOTT. On the islands?

Dr. LUCAS. That is about the number. I have the exact data right here.

Mr. ELLIOTT. Now, Dr. Lucas, did you see up there a pup trampled to death by a bull?

Dr. LUCAS. No. (Hearing No. 12, p. 719, May 16, 1912.)

Mr. McGUIRE. And upon your actual observation?

Dr. STEJNEGER. Surveys of the rookeries.

Mr. McGUIRE. You have personally observed those conditions, have you?

Dr. STEJNEGER. Yes, sir. (Hearing No. 11, pp. 701, 702, 703, May 11, 1912.)

Stejneger would kill yearlings if the law did not prevent, but—

The CHAIRMAN. Do you know whether of your own personal knowledge seals have been killed that were too small or too young, under the act of Congress?

Dr. STEJNEGER. I do not know, because I have not been on the island since 1897—since 1896.

If I may be allowed to make a statement, since you ask whether I had any statement to make, the law is the law, and has to be lived up to; but whether seal is killed as 1-year-old or when older could not affect the seal herd to any extent and could not hurt it at all; you might just as well kill 1-year-olds or 2-year-olds or 3-year-olds. As a matter of fact, you could not kill as large a percentage of 1-year-olds as of 2 or 3 year olds. The 1-year-olds would be 2-year-olds the next year, and then you would kill them anyhow. The Government would realize a little less money for the smaller skins. That would be the whole result. (Hearing No. 11, p. 679, May 4, 1912.)

Merriam would not kill yearlings "under any circumstances."

Mr. McGUIRE. Then, in case anyone in the House of Representatives has used your name as a person who would be opposed to the killing on the islands they were wrong about your position?

Dr. MERRIAM. They were wrong. I have never taken any such position. I have always held the contrary. I have always stated, since the first time I went there, that conservative killing on the islands was a benefit to the herd and not an injury, but I should not allow the killing of yearlings under any circumstances, and I should not kill more than 75 per cent of the young on land at any one time. I would be sure to leave more than enough for possible contingencies.

Mr. McGUIRE. Have you made any personal investigation as to whether the Government has killed excessively?

Dr. MERRIAM. I know nothing about that from personal knowledge. (Hearing No. 11, pp. 694, 695, May 4, 1912.)

### III.

*The sworn statements of Dr. Barton W. Evermann, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and to the House Committee on Expenditures in Department of Commerce and Labor, June 9, 1911, by Secretary Charles Nagel as his authority for killing seals in violation of the law and regulations, to wit:*

Mr. BOWERS. Yes, sir. I ought to have another statement here that I would like to have offered, but I am not able to find it at present. If the gentlemen will permit, I wish to say that these regulations are in conformity to recommendations made by this advisory board.

Mr. CABLE. Give the names of the members of the advisory board.

Mr. BOWERS. The members of the fur-seal board and of the advisory board, fur-seal service, are as follows:

Dr. Barton Warren Evermann (chairman), who is chief of the Alaska fisheries service and who has been in Alaska a number of times. He was a member of the fur-seal commission of 1892, when he spent six months in the North Pacific and Bering Sea and on the seal islands studying the fur seal. (Hearing No. 2, p. 109, June 9, 1911.)

THE DEADLY PARALLEL.

He stretches; before his cross-examination he spent "six months on our seal islands studying," etc.

COMMITTEE ON EXPENDITURES  
IN THE DEPARTMENT OF COM-  
MERCE AND LABOR, HOUSE  
OF REPRESENTATIVES,

*Washington, Saturday, April 20, 1912.*

Hon. John H. Rothermel (chairman),  
presiding.

Present: Hon. James Young, Daniel J. McGillicuddy, Bird S. McGuire, and Charles E. Patton.

TESTIMONY OF BARTON W. EVERMANN.

The witness was sworn by the chairman.  
Dr. EVERMANN. Within the last 25 years nearly a score of the most distinguished naturalists not only of this country, but of Great Britain, Canada, and Japan, have visited our seal islands for the specific purpose of studying the habits of the fur seals and the problems connected with the proper management of the herd. Among these gentlemen I may mention the following. (Reading:)

"Dr. Barton Warren Evermann, in charge of the Alaska fisheries service, who, as special fur-seal commissioner in 1892, spent six months on our seal islands in the North Pacific and on the Russian seal islands, studying the fur-seal rookeries, hauling grounds, and migrations."

The CHAIRMAN. You take most of this information you get from records and documents, do you not, Doctor?

Dr. EVERMANN. I have been in the islands myself.

The CHAIRMAN. Or from actual personal observations?

Dr. EVERMANN. I have been in the seal islands myself once.

The CHAIRMAN. When was that?

Dr. EVERMANN. In 1892.

Mr. ELLIOTT. How long were you there?

Dr. EVERMANN. I spent six months on a fur-seal investigation in 1892. (Hearing No. 10, p. 518.)

He shrinks; after his cross-examination he "spent only 10 days on our seal islands studying," etc.

COMMITTEE ON EXPENDITURES  
IN THE DEPARTMENT OF COM-  
MERCE AND LABOR, HOUSE  
OF REPRESENTATIVES,  
*Thursday, April 25, 1912.*

The committee met at 10.30 o'clock a. m., pursuant to recess taken, Hon. John H. Rothermel (chairman) presiding.

STATEMENT OF DR. BARTON W. EVERMANN,  
CHIEF, ALASKA FISHERIES SERVICE,  
BUREAU OF FISHERIES.

Mr. ELLIOTT. Dr. Evermann, when did you first go to the seal islands?

Dr. EVERMANN. In the spring of 1892.

Mr. ELLIOTT. When did you land there?

Dr. EVERMANN. I do not recall the exact date when I landed on either of the islands.

Mr. ELLIOTT. Do you know the month?

Dr. EVERMANN. It was either July or August.

Mr. ELLIOTT. Was that your first landing?

Dr. EVERMANN. Yes.

Mr. ELLIOTT. Which island did you land on?

Dr. EVERMANN. I first landed on St. Paul and later I went to St. George.

Mr. ELLIOTT. About what time did you land on St. Paul?

Dr. EVERMANN. Some time in July or August.

Mr. ELLIOTT. How long did you stay there?

Dr. EVERMANN. Only a few days.

Mr. ELLIOTT. What do you mean by a "few days"?

Dr. EVERMANN. The exact number of days I can not recall.

Mr. ELLIOTT. Was it two days?

Dr. EVERMANN. It was about a week or 10 days. (I have since consulted the record; I find I was on the Pribilof Islands continuously from July 19 to July 31.)

Mr. ELLIOTT. You stayed on St. Paul Island all that time?

Dr. EVERMANN. I was on both islands.

Mr. ELLIOTT. You went over to St. George?

Dr. EVERMANN. Yes.

Mr. ELLIOTT. How long were you on the islands?

Dr. EVERMANN. Only a very few days.

Mr. ELLIOTT. That is what I thought, (Hearing No. 10, p. 621.)

Evermann compelled to admit that he has had only a few days' experience on the seal islands.

Mr. ELLIOTT. Dr. Evermann, when did you first go to the seal islands?

Dr. EVERMANN. In the spring of 1892.

Mr. ELLIOTT. When did you land there?

Dr. EVERMANN. I do not recall the exact date when I landed on either of the islands.

Mr. ELLIOTT. Do you know the month?

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Dr. EVERMANN. Some time in July or August.

Mr. ELLIOTT. How long did you stay there?

Dr. EVERMANN. Only a few days.

Mr. ELLIOTT. What do you mean by a "few days"?

Dr. EVERMANN. The exact number of days I can not recall.

Mr. ELLIOTT. Was it two days?

Dr. EVERMANN. It was about a week or 10 days. (I have since consulted the record; I find I was on the Pribilof Islands continuously from July 19 to July 31.) (Hearing No. 10, p. 621, Apr. 24, 1912.)

The "Carlisle rules," of May 14, 1896, which prohibit the killing of yearling male seals, and which have never been amended or revised until 1904, when a 5½-pound limit was made in lieu of the 6-pound limit.

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., May 14, 1896.

Mr. J. B. CROWLEY,  
*Special Agent in Charge of the Seal Islands, care North American Commercial Co., San Francisco, Cal.*

SIR: I inclose herewith for your information copy of a letter dated 13th instant, addressed to me by the Secretary of the Treasury and approved by him, in relation to the taking of fur seals on the Pribilof Islands and determining the quota of such seals to be allowed the North American Commercial Co. during the season of 1896. You are instructed to permit said company to take on the islands during the season of 1896 all kill-

And while there learned nothing about the size and weight of sealskins—he knows nothing.

Mr. ELLIOTT. Did you make any records of lengths and measurements, weights and growth of seals while you were there?

Dr. EVERMANN. I did of some seals which I assisted in taking on the Commander Islands.

Mr. ELLIOTT. No, no; I mean these islands.

Dr. EVERMANN. I made notes of weights and measurements so far as I recall at this time. I did not weigh or measure any seals on St. Paul or St. George.

Mr. ELLIOTT. You say your observation on the islands does not cover that point at all?

Dr. EVERMANN. My statement regarding the measurements and weights of fur seals is the one to which I called attention yesterday.

Mr. ELLIOTT. I know; I have not disputed that, but I want to find what you did on the island. You didn't do anything, you say.

Dr. EVERMANN. I didn't say that.

Mr. ELLIOTT. You didn't weigh or measure a seal on the islands, did you?

Dr. EVERMANN. My recollection is that I did not.

Mr. ELLIOTT. If you had, you would have made notes of it, wouldn't you?

Dr. EVERMANN. I presume I would. (Hearing No. 10, pp. 621-622, Apr. 24, 1912.)

Dr. Evermann, under oath, swears that no regulations were ever issued by the Government forbidding the killing of yearling seals, except in 1904 and 1905. A falsehood, and studied to deceive the committee.

Dr. EVERMANN.

2. The second charge is that at least 128,478 yearling male seals were killed by the lessee from 1890 to 1909, both inclusive, contrary to law and the regulations.

In answer to this charge it should be sufficient to say that the law has never made it illegal to kill yearling male seals; nor has it ever been contrary to the regulations to kill yearling male seals, except in the seasons of 1904 and 1905, as is shown by the regulations for the various years to which I have called your attention. Therefore, even if 128,478 yearling male seals have been killed since 1890 (which is not admitted), they could not have been killed illegally, because there was no law against killing yearling male seals, and there has been no regulation against



able male seals over and above the number which, in your opinion, is sufficient to fertilize the female seals, the number taken not to exceed in any event 30,000 seals. The killing of yearlings and seals whose skins weigh less than 6 pounds is prohibited.

Respectfully, yours,  
(Signed) C. S. HAMLIN,  
*Acting Secretary.*

(Official entry of the above on p. 14 of the journal of the chief special agent in charge of the seal islands, St. Paul Island, under date of entry as follows: "Tuesday, June 17, 1896.")

Evermann swears that there are no regulations by Nagel which prohibit the killing of yearlings.

Dr. EVERMANN. Page 8, Mr. Elliott says:

"The law and the regulations of Mr. Nagel forbid the killing of any seal 'under two years of age.'"

The law has never forbidden the killing of male seals under two years of age; nor has any regulation issued by Secretary Nagel. (Hearing No. 10, p. 585, Apr. 24, 1912.)

killing yearling male seals, except in 1904 to 1909.

But I shall not rest with that answer. Although it has always been perfectly legal to kill 1-year-old male seals, and although the regulations, with the exception of the few years mentioned, have never said that 1-year-old male seals should not be killed, nevertheless the agents' reports state and show that it has never been the practice during these twenty-odd years to kill any seals under 2 years old. This has been explicitly stated again and again by the agents, and the department has no reason to doubt the truth of their reports. (Hearing No. 10, p. 493, Apr. 24, 1912, Ho. Com. Exp. Dept. Com. and Labor.)

But Lembkey swears, February 29, 1912, that there are such regulations, and which have the force of law.

Dr. EVERMANN. On page 8, line 8 from the bottom, you say:

"The law and regulations of Mr. Nagel forbids the killing of any seal 'under two years of age.'"

Is that true.

Mr. ELLIOTT. That is true.

Dr. EVERMANN. Does the law say so?

Mr. ELLIOTT. The "law and regulations" say so; yes.

Dr. EVERMANN. Does the law say so?

Mr. ELLIOTT. Yes; the regulations have the force of law. (Hearing No. 10, p. 613, Apr. 24, 1912.)

Mr. LEMBKEY. It may be useful to bear in mind, however, that small seals and female seals may be taken at any time for natives' food without violation of existing law.

Mr. MADDEN. It would not be allowed under the regulations?

Mr. LEMBKEY. Under the regulations it would not be, but it would not be an illegal act to kill those if the regulations would allow such practice. I am just bringing out that point.

Mr. MADDEN. You say that the regulations do not allow it?

Mr. LEMBKEY. No.

Mr. MADDEN. And the regulations have the effect of law?

Mr. MCGILICUDDY. Yes.

Mr. MADDEN. If they were killed it would be a violation of law.

Mr. LEMBKEY. It would; if the regulations permitted it, however, it would be in accordance with existing law.

It should be remembered also that the law does not prohibit the killing of any male seal over 1 year or 12 months of age, although regulations of the department do prohibit the killing of anything less

Assistant Agent Judge, in order to save the "spared" 3-year-olds from being all killed as "food seals," urges a 7-pound maximum skin limit for such seals.

Presuming that branding of bachelors is to continue, a rule fixing a maximum weight of 7 pounds for food skins taken in the fall would save the 3-year-olds, which I take to be the all-important object. (Appendix, A, p. 180: Report of Asst. Agent Jas. Judge, St. George Island, June 5, 1905, H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

than 2 years old, or those seals which have returned to the islands from their second migration.

Mr. TOWNSEND. That is a regulation of the Secretary of Commerce and Labor?

Mr. LEMBKEY. Of Commerce and Labor; yes, sir. (Hearing No. 9, p. 372, Mar. 1, 1912.)

But Lembkey, with the Bureau of Fisheries "science," orders an "8½-pound" maximum food skin limit, so as to get those "reserved" seals of June and July in October and November following.

Mr. McGUIRE. Right there, Mr. Lembkey, did you prohibit their killing them?

Mr. LEMBKEY. I did.

Mr. McGUIRE. Over 4 years of age?

Mr. LEMBKEY. I did.

Mr. ELLIOTT. In 1904?

Mr. LEMBKEY. Yes.

Mr. ELLIOTT. Did you do it in 1905?

Mr. LEMBKEY. Yes.

Mr. ELLIOTT. How did you do it? You had no brand on them.

Mr. LEMBKEY. By fixing a limit of 8½ pounds on the skins to be taken.

Mr. ELLIOTT. How could you preserve any skins without having them marked?

Mr. LEMBKEY. We would avoid the killing of them and thereby preserve them. If you do not kill a seal you allow it to live, do you not?

Mr. ELLIOTT. My dear sir, how do you know what you see hereafter? Every seal after it passes its third year without a mark on it, you kill it.

Mr. LEMBKEY. I beg your pardon?

Mr. ELLIOTT. Every seal that passed from its third year, that passed from 1904, became a 4-year-old in 1905, did it not?

Mr. LEMBKEY. Yes. (Hearing No. 9, p. 458, Apr. 13, 1912, H. Com. Exp. Dept. Com. and Labor.)

[Instructions issued Mar. 9, 1906.]

Dr. EVERMANN:

"SEC. 8. *Sizes of killable seals.*—No seals shall be killed having skin weighing less than 5 pounds nor more than 8½ pounds.

"SEC. 10. *Seals for food.*—The number of seals to be killed by the natives for food for the fiscal year beginning July 1, 1906, shall not exceed 1,700 on the island of St. Paul and 500 on the island of St. George, subject to the same limitations and restrictions as apply to the killing of seals by the company for the quota." (Hearing No. 10, pp. 483, 484; Apr. 20, 1912.)

Dr. Evermann says he did not wish to renew the lease—not he; nor did any of his official associates; oh, no—

Dr. EVERMANN. Now, as to re-leasing the islands, I do not understand the purpose of Mr. Elliott and certain followers of his in seeking to show that the advisory board, the Bureau of Fisheries, and their individual members favored re-leasing the islands.

Your attention is called also to the recommendations of the advisory board dated November 23, 1909. Recommendation No. 3 says:

"It is recommended that there be adopted a system of regulations similar to those in force on the Commander Islands, the Government to assume entire control in all essential matters pertaining to the fur seals, blue foxes, natives, and the islands in general, and the lessee to be restricted to the receiving, curing, and shipping of the skins taken."

This recommendation was unanimously agreed to by the advisory board, fur-seal service (Dr. David Starr Jordan, chairman; Dr. Leonard Stejneger, Dr. Fred-eric A. Lucas, Mr. Edwin W. Sims, Dr. Charles H. Townsend), the fur-seal board (Dr. Barton Warren Evermann, chairman; Mr. Walter I. Lembkey, and Mr. Millard C. Marsh), the Commissioner of Fisheries (Hon. George M. Bowers), the Deputy Commissioner of Fisheries (Dr. Hugh M. Smith), assistant fur-seal agent (H. D. Chichester), and special scientific expert (Mr. George A. Clark). (See p. 814, Appendix A.)

I desire the committee to note also that the elimination of the lessee was thus recommended long before Dr. Hornaday, representing the Camp Fire Club, appeared before the Senate Committee on Conservation and properly opposed the leasing system, which he did at the hearings of February 26 and March 22, 1910. This was more than a year after Dr. Jordan had expressed the "hope that the Government will not under any circumstances lease the products of the islands, at least in such form as has been in vogue for the past 40 years." And it was more than three months after the Commissioner of Fisheries and six other members of the Bureau of Fisheries united with the advisory board in a recommendation that the leasing system be discontinued. (Hearing No. 14, pp. 981, 982, July 29, 1912.)

But his record shows that he was hard at the very job, with those associates in full cry with him, too.

Mr. ELLIOTT. And I want Mr. Bowers to pay some attention to this because this is important, at least some good lawyers have told me that it is very important to him—

"Being an official letter covering a 'memorandum' addressed to George M. Bowers, commissioner, urging him to take steps to prevent the passage of the Dixon fur-seal resolutions introduced in the United States Senate by Senator Joseph M. Dixon. (S. Res. 90, 91, 92.)

"December 7, 1909. This letter from the 'bureau,' dated December 16, 1909, and signed by Barton W. Evermann, urges Bowers to send agents to New York, there to 'educate' the Camp Fire Club and induce them to agree to the 'bureau's' idea of renewing the lease,' as follows:

#### EXHIBIT No. 6.

DEPARTMENT OF COMMERCE  
AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, December 16, 1909.*

#### THE COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal-island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with, with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

The self-confessed sham of "accurate count," or "census," of the fur-seal herd.

Mr. ELLIOTT. I call your attention to the census tables that you have just been talking about, and on page 606 this appears:

"Official reports of Department of Commerce and Labor to Congress from 1904, annually, made to close of season of 1909, declare that in 1904, 243,103 seals of all classes alive August 1, 1904; 1905, 223,000 seals of all classes alive August 1, 1905; 1906, 185,000 seals of all classes alive August 1, 1906."

And so on. You bring this down to August 1, 1910, and in 1911 you announced to the House Committee on Foreign Affairs that there were about 133,000 seals of all classes alive. Now, in 1904, according to this statement, there were 243,103 seals of all classes alive August 1, 1904. Now, Mr. Chairman, I would like to have Dr. Evermann explain to your committee why in these long series of census tables—from 1904 to 1911—he has made no subtraction for loss by pelagic sealing, the most "terrible destruction" which he claims was at work on that herd; and why in making up these census tables and emitting these official alarm calls to Congress about this "terrible destruction" he neglects to subtract that loss from these tables.

The CHAIRMAN. What do you mean by "loss"?

Mr. ELLIOTT. The loss entailed by pelagic sealing. There is not a seal subtracted from these tables for that; not a single seal that the pelagic hunter has destroyed since 1904.

The CHAIRMAN. What is the object of your statement in this connection?

Mr. ELLIOTT. To show that these census tables are of no value; they mean nothing; they do not show the number of seals that are there. He admits it here tonight; that these seals are out at sea and wandering about in the nebulous North Pacific, and they have them all

"Exhibit No. 7. Being the official letter of 'George M. Bowers, commissioner,' to Secretary Commerce and Labor, dated February 8, 1910, inclosing copies of three letters, all urging renewal of the seal lease and giving the reasons of the writers for such renewal, to wit, H. H. Taylor, president N. A. C. Co. (lessees), dated January 27, 1910; C. H. Townsend, for 'fur-seal advisory board,' dated January 31, 1910, Alfred Fraser, London agent for the N. A. C. Co. (lessees), January 28, 1910, as follows." (Hearing No. 3, p. 157, June 9, 1911.)

Evermann swears that the "ghost dance" seals at sea always supply the loss on land:—Stejneger, "authority."

The CHAIRMAN. If that is the case, let Dr. Evermann explain it.

Dr. EVERMANN. The pelagic sealers do the deducting—

Mr. ELLIOTT (interposing). You do not; you keep right on.

Dr. EVERMANN (continuing). And we count only what are left.

The CHAIRMAN. It seems to me from what he read and the way Mr. Elliott puts the question to the witness, that he is under the impression that if you take the census, say, of 1909, in August, and there are found 100,000 seals, that next year when those seals return you should deduct the number that were killed by pelagic sealers in calculating the next census. Is that correct?

Mr. ELLIOTT. That is it; and they have got to do it; if not done, then the census is erroneous.

Dr. EVERMANN. Of course, that is perfectly easily understood. You will recall that in Dr. Stejneger's testimony he made the statement that his observation and study of the question lead him to believe that a relatively small percentage of the yearling seals are ever present on the islands at any one time, and that a large percentage of the 2-year-olds are not on the islands, and that even a percentage of the older seals—the 3, 4, and 5 year old seals—are not upon the islands all the time. Now, those numbers, it seems to me, that are not upon the islands at any time will enter into the catch by the pelagic sealers. But whether they do or not, that would not justify you in reporting a fewer number of seals upon the islands than is actually there. Suppose the census of 1910 showed on the islands 100,000 seals at the end of the killing season and the statistics of the pelagic catch showed a killing of exactly 100,000 seals between the time of taking that census and the time that you would take the next census in

"counted in their minds." (Hearing No. 14, pp. 935-937, July 25, 1912.)

Evermann swears that no man has ever been able to truly tell the seal's age, as a yearling, 2-year-old, etc.

Dr. EVERMANN. No one knows and no one ever has known the age of any seal on the seal islands, barring, of course, the pups of the year that have not yet left. When a pup is born on the islands, so long as it stays there you know its age, but when it leaves in the fall and comes back again the next season, you do not know absolutely whether it is the pup born in the preceding summer or one born two or three summers preceding.

(In the hearing on H. R. 16571, House Committee on Foreign Affairs, January 3, 1912, page 48.) (Hearing No. 14, p. 930, July 25, 1912.)

Evermann does not know the age of one seal on the islands, yet he is able to count them all by ages!

Mr. ELLIOTT. Again, in the hearing on H. R. 16571, House Committee on Foreign Affairs, January 3, 1912, page 48, he says:

"No one knows and no one ever has known the age of any seal on the seal islands, barring, of course, the pups of the year that have not yet left. When a pup is born on the island, so long as it stays there you know its age, but when it leaves in the fall and comes back again the next season, you do not know absolutely whether it is the pup born in the preceding summer or one born two or three summers preceding."

He tells you, and he told them, that he did not know a 3-year-old from a 1-year-old or a 1-year-old from a 2-year-old, and "that no man knows." Now, what does he do? The next day before that committee, January 4, 1912, page 129, Dr. Evermann says:

"At the end of the killing season of 1910 that is, after the 12,922 surplus male seals were killed, this was the census of

1911—then, if that were true, and if Mr. Elliott's contention were true, there should not be a single seal on the islands in 1911, should there? But we look and see, and if we find any there we count them. (Hearing No. 14, pp. 935, 936, July 25, 1912.)

But, the next day he returns, and is able to tell the ages of each and every seal in the herd!

Mr. ELLIOTT. He tells you, and he told them, that he did not know a 3-year-old from a 1-year-old or a 1-year-old from a 2-year-old, and "that no man knows." Now, what does he do? The next day before that committee, January 4, 1912, page 129, Dr. Evermann says:

"At the end of the killing season of 1910, that is, after the 12,922 surplus male seals were killed, this was the census of the herd: Bulls, active with harem, 1,381; bulls, idle and quitters, 303 (those are surplus bulls); half bulls, 2,336; 3-year-old bachelors, 1,200; 2-year-old bachelors, 4,500; yearling bachelors, 11,441."

Oh, he can count them now!

"Male pups, 21,725."

Oh, he counts them down to 5!

"Yearling bachelors, 11,441; male pups, 21,725; breeding cows, 43,450; 2-year-old cows, 12,124; yearling females, 11,441; female pups, 21,725, making a total of 131,626." (Hearing No. 14, p. 930, July 25, 1912.)

He classifies them as "green forms," "red forms," etc., and then counts these "forms" of various color!

Dr. EVERMANN. May I say just a word? The CHAIRMAN. Yes.

Dr. EVERMANN. My statement on page 48 is absolutely correct, and anyone can see that it is correct when you consider it for a moment. We know the ages of the pups that are born, say, this year on the island; we know their ages as long as they stay under observation, but when they leave in the fall and we see nothing more of them until the next spring it is perfectly evident that it is impossible for anybody to pick out any seal next spring and identify it with any particular seal which was on the island the year before unless it has a distinguishing mark upon it, and these pups have no distinguishing mark, of course. You could say that all of the books in this room of that color [indicating] were black and that all of some other color were red, and so on. That would answer our purposes for classification; yet in this case we know it is not true, because this book is not black. And in the

the herd: Bulls, active with harem, 1,381; bulls, idle and quitters, 303 (those are surplus bulls); half bulls, 2,336; 3-year-old bachelors, 1,200; 2-year-old bachelors, 4,500; yearling bachelors, 11,441."

Oh, he can count them now!

"Male pups, 21,725.1"

Oh, he counts them down to 5!

"Yearling bachelors, 11,441; male pups, 21,725; breeding cows, 43,450; 2-year-old cows, 12,124; yearling females, 11,441; female pups, 21,725, making a total of 131,626." (Hearing No. 14, pp. 930, 931, July 25, 1912.)

other case we do not know the seal is a 3-year-old seal or a 2-year-old seal; but the probabilities are that those seals which we call 3-year-old seals are 3-year-old seals, and the probabilities are that those we call 2-year-old seals are 2-year-old seals; but it is not a matter of knowledge;

The CHAIRMAN. You think you are dealing with probabilities and not mathematical exactness?

Dr. EVERMANN. We are simply handling a series of objects which are before us, which can, by their sizes and appearances, be put into different classes. We put them into different classes, and we give them designated terms. We say that these possessing this size and this general appearance we will call 3-year-olds; those that have certain differences from the 3-year-olds we call 2-year-olds. But we do not know it, and Mr. Elliott does not know it.

Mr. ELLIOTT. I never assumed I did anything like it and never made the stupid assumption.

Dr. EVERMANN. Mr. Elliott says that because certain skins weigh certain weights they must have been yearlings—

Mr. ELLIOTT (interposing.) I know it.

Dr. EVERMANN. But he does not know anything about it, any more than the rest of us; he assumes they are yearling seals. It is assumed that skins which weigh less than 5 pounds are yearlings, and that assumption is probably correct.

Mr. ELLIOTT. You do not know it, but I do.

Dr. EVERMANN. I think that is all I care to say. (Hearing No. 14, pp. 931, 932, July 25, 1912.)

Evermann swears that the skins are getting better every year under "scientific" management.

Mr. ELLIOTT. Now, there is something, and since Dr. Evermann is here I am going to introduce it. Before the House Committee on Foreign Affairs, January 4, 1912, Dr. Evermann, in the course of his address, said (see p. 128):

"The skins which go to them this year are better than those which they received last year [that is, 1910], and those last year were better than those received the year before [that is, 1909], and so on."

On page 1007 of Appendix A to hearings before this Committee on Expenditures in the Department of Commerce and Labor is a letter from Alfred Fraser to George

But, the London sales expert regrets to find that the skins are getting poorer year after year.

NEW YORK, November 25, 1910.

GEORGE M. BOWERS, Esq.,  
Commissioner Bureau of Fisheries,  
Department of Commerce and  
Labor, Washington, D. C.

DEAR SIR: Inclosed I beg to hand you particulars of assortment of the Alaska fur seal received this day from C. M. Lampson & Co., whose valuation of the skins based upon the prices realized for last year's catch is 12,732 skins at 144s. average per skin and 188 skins at 120s. average per skin. The latter I presume are food skins.

M. Bowers, dated November 25, 1910, in which this language appears:

"DEAR SIR: Inclosed I beg to hand you particulars of assortment of the Alaska fur seal received this day from C. M. Lampson & Co., whose valuation of the skins, based upon the prices realized for last year's catch, is 12,732 skins at 144s. average per skin, and 188 skins at 120s. average per skin. The latter I presume are food skins.

"I regret to find that the assortment is not quite up to that of last year's catch."

Now, how do you reconcile your statement to the House Committee on Foreign Affairs with this official notification that you are not telling the truth?

Dr. EVERMANN. To what year does that refer?

Mr. ELLIOTT. That refers to the catch of the year 1910 being better than the year 1909.

Dr. EVERMANN. My references are to the years 1910 and 1911.

Mr. ELLIOTT (interposing). You go back to the year 1909.

Dr. EVERMANN. No.

Mr. ELLIOTT. You do.

He was speaking on January 4, 1912, to the Committee on Foreign Affairs of the House, and speaking of the catch of 1911. He could not speak of the catch of 1912, for he did not know and no one could know about the catch at that time; and if he did not know how it was taken, how could he say they were better than the catch of 1911? I want him to answer that question.

Dr. EVERMANN. We know what our policy is as to possible improvement of the catch from year to year. (Hearing No. 14, p. 929, July 29, 1912.)

Evermann swears that there is no word from London that the skins are getting inferior.

Dr. EVERMANN. And Dr. Hornaday, while admitting that some males are still left, claims that they are not virile. Both Mr. Elliott and Dr. Hornaday claim that virile male life has been inadequate for many years.

If such has been the case, the herd should show evidences of physical deterioration. But those who have seen the herd in recent years say there is no evidence of physical deterioration; the individual seals are just as large and fine and fit at any given age as they ever were.

Mr. ELLIOTT. How do they know it? How do those natives know it?

Dr. EVERMANN. There has been no complaint from London that the skins were not as fine as they ever were. (Hearing No. 10, p. 605, Apr. 20, 1912.)

I regret to find that the assortment is not quite up to that of last year's catch.

The percentages of the several grades of skins as compared with last year's collection are as follows:

Condition.	Number.	1910	1909
Prime skins.....	9,999	<i>Per ct.</i> 78.53	<i>Per ct.</i> 83.28
Low skins.....	1,255	9.86	8.82
Cut skins.....	821	8.21	6.45
Rubbed skins.....	621	4.88	3.53
Faulty skins.....	36	.28	.28
	12,732	100	100

The skins count up two short of the number invoiced, but they will be re-counted on delivery.

I regret to state that the fur trade so far this season is dull, owing in a great measure to the very high cost of all articles, but business will no doubt improve should cold weather set in.

I have reason to believe that the number of pelagic seal taken this year will be about equal to that of last year.

Yours, very truly,

ALFRED FRASER.

Mr. SECRETARY: Not as satisfactory as I should like to have seen this statement. Am home and can not leave to-day.

GEO. M. BOWERS.

NOVEMBER 26, 1910.

(Appendix A, p. 1007, June 24, 1911.)

But the word from London is published up to January 17, 1913, that the skins are inferior from year to year, growing more so!

London sales: January 17, 1913.

Philips Politzer & Co., report.

Alaskas 3,773 skins (December, 1911, 12,492). The quantity offered was about a quarter of the last sale (December, 1911) and with the exception of some so-called "food skins" no more are expected for five years. The present collection was not up to the usual standard in quality or appearance, in spite of which, however, prices remained very firm. (Fur Trade Review, New York, February, 1913, p. 66.)



Evermann quotes Townsend and Lucas to prove that the seals just naturally trample their young to death.

Dr. EVERMANN. I desire to incorporate in my statement the following from Dr. Charles H. Townsend, Mr. George A. Clark, and Dr. F. A. Lucas, three of the best informed men in this or any other country on the fur-seal question, all of whom were members of the Fur-Seal Commissions of 1896 and 1897:

[Science, Mar. 1, 1912.]

#### THE PRIBILOF FUR-SEAL HERD.

In Science of February 2, 1912, Mr. McLean, of the Campfire Club's committee on game protection, says, among other things, about the diminishing fur-seal herd, that "the best remedy is to let it absolutely alone."

Nature's methods are wasteful.

Last November I had some correspondence with a Member of the House of Representatives, who was taking the agitation of the Campfire Club against the killing of surplus male seals very seriously. I quote the following from a letter I wrote to him at that time:

"In order to prevent annual loss of new-born young, we must prevent the flooding of the breeding grounds by big males. The logical way to do this is to market a large proportion of the 3-year olds, as we always have done, and thus prevent them from growing up into valueless but dangerous and destructive super-numeraries.

"I take exception to the line in your letter 'unless the herd is further depleted by the Bureau of Fisheries.' The herd is not to be 'depleted,' as the females are already saved for 15 years by the cessation of pelagic sealing, but the polygamous male part of the herd must be depleted (to quote your word again) if you propose to mature all your annual crop of infant seals. Nature will do the depleting if you don't, and half the loss will be female pups.

The fact is that the innocent Camp Fire Club is being used by the unscrupulous lobby which has always been kept at work by the pelagic sealers. One excuse suits it as well as another; this time it is the killing of surplus males. It is a pity that year after year it should succeed in getting the support of men of good standing who happen to be ignorant of the real facts involved.

C. H. TOWNSEND,  
*Member Advisory Board Fur Seal Service.*

(Hearing No. 10: pp. 597-598, Apr. 25, 1912.)

But Evermann did not know that Lucas would soon be obliged to deny that trampled-pup fiction.

The CHAIRMAN. About how many days?

Dr. LUCAS. About 50 days in 1896, allowing about 9 days' time spent at sea, going to and from one island to another.

Mr. ELLIOTT. In 1897 how many days were you on the islands?

Dr. LUCAS. About 42 days.

Mr. ELLIOTT. On the islands?

Dr. LUCAS. That is about the number. I have the exact data right here.

Mr. ELLIOTT. Now, Dr. Lucas, did you see up there a pup trampled to death by a bull?

Dr. LUCAS. No.

Mr. ELLIOTT. You know there is a report of some 46 pages with your name associated with Dr. Jordan as one of the distinguished scientists who had made this close study of the seals that summer. Now, in 1897, you discovered those pups were not trampled to death, didn't you?

Dr. LUCAS. The greater part of them. Yes; we revised our causes of the previous year.

Mr. ELLIOTT. Who revised them?

Dr. LUCAS. I did most of it, because I was the one on whom devolved this report on the causes of mortality. (Hearing No. 12, pp. 719, 720, May 16, 1912.)

Evermann takes Hornaday to task for expression of opinion; for lack of experience unfits him—

DR. HORNADAY'S STATEMENTS REGARDING THE NATURAL HISTORY OF THE FUR SEAL.

Dr. EVERMANN: It is with extreme reluctance that I venture to call attention to what I believe to be fundamental mistakes in Dr. Hornaday's testimony before this committee and the Senate Committee on Conservation of National Resources. Dr. Hornaday and I are good friends, and have been such for many years. I fully appreciate the splendid work he has done as director of the New York Zoological Park and his interesting contributions to popular natural history literature. I realize, however, that in this fur-seal matter he has relied chiefly upon Mr. Elliott for his data. Dr. Hornaday admitted before this committee that he had never been on the seal islands; that he had never seen a fur-seal herd; that he had never seen a live fur seal except the two now at the Bureau of Fisheries and the one in the New York Aquarium furnished it by the United States Bureau of Fisheries; and, moreover, that he does not claim to be an expert on the life history of the fur seal. He even admits that he does "not pose as having expert information of that kind" and that his "interest in that phase of the subject is largely academic." Those statements are entirely frank and fair. One who has never been on the seal islands or who has not seen considerable numbers of fur seals can not possess any knowledge of the subject. Knowledge is acquired only through personal experience; this Dr. Hornaday has not had. The life history of an animal can be studied only by observing the animals themselves; this Dr. Hornaday has had no opportunity to do. The most that he can have is information, and that will be reliable and of value only if obtained from trustworthy sources. (Hearing No. 10, pp. 601, 602, Apr. 25, 1902.)

Evermann quotes 22 men in support of a self-confessed biological untruth.

Dr. EVERMANN. Here we have a list of more than a dozen naturalists, practically all of whom are men of international reputation and all of whom are known as men of education, intelligence, and unimpeachable character. Then there is an equal number of careful business men of unquestioned honesty and ability.

These 22 men are all men of ability and integrity. Each and every one of them

But, it soon develops that Evermann himself lacks experience in the same premises.

STATEMENT OF DR. BARTON W. EVERMANN, CHIEF, ALASKA FISHERIES SERVICE, BUREAU OF FISHERIES.

Mr. ELLIOTT. Dr. Evermann, when did you first go to the seal islands?

Dr. EVERMANN. In the spring of 1892.

Mr. ELLIOTT. When did you land there?

Dr. EVERMANN. I do not recall the exact date when I landed on either of the islands.

Mr. ELLIOTT. Do you know the month?

Dr. EVERMANN. It was either July or August.

Mr. ELLIOTT. Was that your first landing?

Dr. EVERMANN. Yes.

Mr. ELLIOTT. Which island did you land on?

Dr. EVERMANN. I first landed on St. Paul, and later I went to St. George.

Mr. ELLIOTT. About what time did you land on St. Paul?

Dr. EVERMANN. Some time in July or August.

Mr. ELLIOTT. How long did you stay there?

Dr. EVERMANN. Only a few days.

Mr. ELLIOTT. What do you mean by a "few days"?

Dr. EVERMANN. The exact number of days I can not recall.

Mr. ELLIOTT. Was it two days?

Dr. EVERMANN. It was about a week or 10 days. (I have since consulted the record; I find I was on the Pribilof Islands continuously from July 19 to July 31.) (Hearing No. 10, p. 621, Apr. 25, 1912.)

Elliott exposes the deceit practised by Evermann in asserting that untruth.

The CHAIRMAN. Just make a note that the statement will be found in hearing No. 3 at page so-and-so.

Mr. ELLIOTT. Hearing No. 3, page 155. It is in connection with a "comparison of the proposed lease of the seal islands with the present lease," and under section 4 these words occur:

"The lease should be renewed. It is foolish to abolish killing on land while

has seen the fur-seal herd, has made a study of the various problems involved in its proper management, and they are unanimously agreed on the following propositions:

5. The surplus males should be killed before they reach the age of 5 years, because when they have attained that age their skins become relatively of little value.

6. If the surplus males are not killed they not only become valueless for their skins, but they grow up into bulls not needed for breeding purposes, but which nevertheless pass on to the rookeries, where they do great damage to the breeding herd by fighting among themselves for possession of the cows, often tearing the cows to pieces, so injuring them that many of their pups are still-born, trampling the helpless pups to death, exhausting their own vitality and virility, and rendering themselves less potent than they would be without such useless struggle—in short, causing infinite trouble and injury to the rookeries without a single compensating advantage.

Mr. McGUIRE. Does that involve the conclusion of anyone else? Are those conclusions of your own based—

Dr. EVERMANN (interposing). No; those are the conclusions of these twenty-odd people, whose names I have read. Now, on the other side, against those 22, we will place Mr. Elliott, and Mr. Elliott alone. (Hearing No. 10, pp. 520, 521, Apr. 24, 1912.)

Evermann swears a salted seal-skin shrinks 6 inches from its green length.

Mr. McGUIRE. I would like a little more light with reference to this first skin. The seal, as I understand it, measured 43½ inches.

Dr. EVERMANN. Yes.

Mr. McGUIRE. Those are your figures?

Dr. EVERMANN. Yes, sir.

Mr. McGUIRE. Those are the official measurements made by the agents of the Government?

Dr. EVERMANN. Yes, sir.

Mr. McGUIRE. The skin now, not when it was taken from the seal, but now, in a salted condition, measures 34½ inches. Am I right about that?

Dr. EVERMANN. Yes, sir.

Mr. McGUIRE. Now, you asked Mr. Elliott to state from those measurements the age of that seal.

Dr. EVERMANN. Yes, sir.

Mr. McGUIRE. And he, as he stated, taking Lampson & Co.'s figures as a basis, stated that it was a yearling?

seals are being killed in the water. Cessation of killing on land means encouragement to pelagic sealing. Should pelagic or sea killing be abolished, it might be well to have a closed season on land as well as to allow the herd to recuperate."

The CHAIRMAN. Who says this?

Mr. ELLIOTT. The Bureau of Fisheries, the advisory board, and the whole scientific aggregation—"a closed season to allow the herd to recuperate," whereas they now claim there will be "trampled pups" and "torn females" if they are allowed "to recuperate" during "a closed season." These men have conjured up that story, and it is faked. It is not published in any official document; no man, from Dr. Jordan down to the smallest one of his associates, has published such a statement in all of their official reports up to 1909. It is only recently, in a communication from the Bureau of Fisheries to the Senate, that they now say, as "scientists," if these animals are allowed to grow up there in a closed season they will go onto the rookeries and "fight and tear the females to pieces and trample the young to death."

The CHAIRMAN. Well, we have had that before.

Mr. ELLIOTT. You have never had this unwitting self-confession of utter insincerity before; this is the first you have had it, so confessed by them, brought to your attention. (Hearing No. 14, pp. 970, 971, July 29, 1912.)

But in a sworn deposition nine native sealers say that properly salted sealskins do not shrink under the green lengths.

ST. PAUL ISLAND, ALASKA,  
*Town Hall, July 24, 1913.*

Question. Did you drive and kill seals last summer?

Answer. Yes.

Question. How large were they?

Answer. We killed them by ages as we killed them before. Mr. Lembkey was the Government agent and Mr. G. A. Clark was counting the seals. When we were salting skins last year, Mr. Clark did not allow us to stretch the skins as we always have done and do when spreading them in the trench as we salt them. We stretch them out about 2 or 3 inches as we spread them, then put salt on them, and then they shrink back into their natural shape. (Native sealers' deposition to Agents H. Com. Exp. Dept. Com. and Labor, July 24, 1913, pp. 93-95; Rep't said agents, Aug. 31, 1913.)

Mr. LEMBKEY. I have attempted to state that in measuring a green skin it is

Dr. EVERMANN. Yes, sir. (Hearing No. 10; p. 531; Apr. 24, 1912.)

Mr. ELLIOTT. Then when you remove this skin you leave how much on it?

Mr. LEMBKEY. I suppose about 3 to 3½ inches.

Mr. ELLIOTT. No more?

Mr. LEMBKEY. We take off as much skin as we can. It is my impression that we do not leave more than 3 inches. I have stated that repeatedly to the committee. (Hearing No. 9, p. 443, Apr. 13, 1912.)

Evermann swears that salting a sealskin decreases its weight; he submits "proof" of it:

Dr. EVERMANN. Last year, when Mr. M. C. Marsh, naturalist, fur-seal service, went to the Pribilof Islands, he was instructed to make certain investigations, one of which was to determine by actual experiment the effect that salting has upon the weight of fur-seal skins. He made a very careful investigation of the matter, and his report has just been received. It is so interesting and valuable that I wish to put it in the record. His investigation settles the question conclusively and for all time. It shows that salting causes fur-seal skins to lose weight. The report is as follows:

"The average loss of weight for the whole 60 skins is 0.63 pound, or 10 ounces. This is an understatement of the average loss of weight, which, I believe, is at least an ounce greater. The reason is that it is practically impossible to mechanically remove all the salt from the skins before reweighing. They were shaken, swept, and brushed, but a few grains and crystals of salt were always left adhering to each side of the skin. Obviously it would not do to wash them off. By more carefully cleaning a few of the reweighed skins and then again weighing them, I estimate this residual salt to average an ounce or something more.

"The careful identification of every skin and the care given to every detail of the weighing make it quite certain that the salting of sealskins as practiced on St. Paul Island subtracts materially from its original weight when freshly skinned. Presumably, though not necessarily, the London weights reported are less than the actual weights of the skins at the island killings. If any change takes place during transportation to London, it is likely to be a further loss, and if the London

impossible to find out its exact length when you lay it on the ground, because it may curl up, or roll, or stretch, and it can only be measured after it has become hardened by salt.

Mr. MCGILLICUDDY. Then it will not stretch?

Mr. LEMBKEY. Certainly not.

Mr. MCGILLICUDDY. That is the proper time to measure it, after it has become rigid and stiff?

Mr. LEMBKEY. Certainly.

Mr. MCGILLICUDDY. You can not then stretch or shrink it?

Mr. LEMBKEY. No, sir. (Hearing No. 9, pp. 399, 400, Mar. 1, 1912.)

Chief Special Agent Lembkey makes an official record of fact which exposes the trick of Evermann:

Chief Special Agent Lembkey makes the following entry on page 149 of the journal of the Government agent on St. Paul Island, to wit:

SATURDAY, *July 23, 1904.*

On July 18, 107 skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the trench and reweighed. At the time of killing they weighed 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin. (Report Agents H. Com. Exp. Dep. Com., Aug. 31, 1913, p. 112.)

weights deal with the skin in the condition in which it arrives, freed of most of the salt about which it is wrapped, a loss, compared with the fresh weight, almost without exception, will appear." (Hearing No. 14, pp. 974, 975, July 29, 1912.)

Evermann and his "scientific" associates declare that the fur-seal breeding nucleus of 50,000 cows will require eight years in which to double itself:

Mr. ELLIOTT. Then, with this testimony in his hands, Mr. W. I. Lembkey and his associates in the Bureau of Fisheries went before the House Committee on Foreign Affairs, January 3, 1912, and the following statement was then made that day to this committee by Mr. Lembkey, to wit (pp. 40, 41, hearings on H. R. 16571, Jan. 3, 4, 1912):

"The CHAIRMAN. Assuming, Mr. Lembkey, that there was a closed season on the Pribilof herd for a period of 10 years, what, in your opinion, would be the number in the herd at the expiration of that time?"

"Mr. LEMBKEY. I regret to state that the increase would not be as phenomenal as has been held out before this and other committees. As nearly as I can approximate it, the increase in seal life which would result from an absolute cessation of pelagic sealing would equal 100 per cent every nine years. That is to say, the herd would double itself every nine years. I am willing to say eight years. We will say the herd will double itself every eight years. Now, if we should start in 1911 with approximately 50,000 breeding females, in 1919 we would have 100,000 breeding females, representing an increase of 100 per cent within a period of eight years. During the next eight years, however, the 100,000 breeding females would increase to 200,000, representing a net increase in the period of 16 years of 150,000 breeding females, and, of course, the next eight years would see 400,000 breeding females in the herd. While they would increase at the same ratio, the numerical increase would be much greater as the herd became larger.

"The CHAIRMAN. That applies to both the males and females?"

Elliott follows with table of increase, which declares that 50,000 breeding nucleus will double itself in five years, and that total, 100,000, will double itself in the next four years, and so on:

Mr. ELLIOTT. As Mr. Lembkey did not finish his statement in general, and was followed immediately by Dr. Evermann, I did not get in my answer to it until the next day's session. In due time I reached it, and took this particular question up as follows; see pages 98 to 101, inclusive, hearings on H. R. 16571. Now, gentlemen, I am going to read this to you and ask that you interrupt me, and where you think I am not clear, for here is the crux of the business:

"I will now show you a table, Exhibit F, which will surprise you. Yesterday the representative of the Bureau of Fisheries, and the scientists behind them, told you it will take eight years to double the 50,000 females now surviving. You heard that statement that it would take eight years, and then another eight years would ensue before we had 200,000 cows. Why, the assumption was so transparently foolish that even the chairman, who had never given it a thought, at once began to pick it to pieces. Let me submit to you a statement of annual increase from a nucleus of 50,000 breeding female seals on the Pribilof rookeries, which will follow a complete cessation of killing male seals thereon, provided that that rest dates from February 1, 1912, or from and after the passage of this act, and is not broken until the 1st of February, 1928, being a close time of 15 years. This suspension of all such killing as above cited will enable the only power to operate, which is the natural law governing this life, and which alone can effect that restoration, and full restoration, to a safe annual rate of increase which will permit an annual killing indefinitely into the future of from 60,000 to 80,000 choice surplus male seals on and

"Mr. LEMBKEY. Yes, sir. The increase will be in the nature of about 100 per cent every eight years."

You see, they could see through this crude, almost stupid, proposition that this herd would not double itself except once every eight years. (Hearing No. 14, p. 1002, July 29, 1912.)

after the opening of the season of 1928; and this killing then done without the slightest injury to its annual birth rate thereafter on the breeding grounds."

Year.	Breeding cows.	Nubiles.	Pups (males).	Pups (females).
1911.....	50,000	10,000	25,000	25,000
1912.....	54,000	10,000	27,000	27,000
1913.....	57,600	15,750	28,800	28,800
1914.....	66,870	24,300	33,435	33,435
1915.....	74,358	26,000	37,179	37,179
1916.....	88,793	30,092	44,396	44,396
1917.....	103,314	33,462	56,657	56,657
1918.....	120,066	42,163	65,033	65,033
1919.....	145,997	46,496	77,998	77,998
1920.....	192,000	57,100	96,000	96,000
1921.....	225,000	58,000	112,000	112,000
1922.....	260,000	61,000	130,000	130,000
1923.....	321,000	74,000	165,000	165,000
1924.....	395,000	100,000	197,000	197,000
1925.....	450,000	162,000	275,000	225,000
1926.....	612,000	200,000	306,000	306,000
1927.....	800,000	200,000	400,000	400,000

Year.	Yearlings (males and females).	2-year-olds (males).	3-year-olds (males).	4-year-olds (males).
1911.....	.....	.....	.....	.....
1912.....	35,000	.....	.....	.....
1913.....	37,800	15,750	.....	.....
1914.....	40,320	24,300	14,180	.....
1915.....	46,808	26,000	21,870	12,762
1916.....	52,052	30,002	23,600	19,683
1917.....	62,156	33,462	27,000	21,240
1918.....	72,983	42,163	30,000	25,000
1919.....	92,830	46,496	38,000	28,000
1920.....	104,000	50,100	40,000	35,000
1921.....	135,000	58,000	46,000	36,000
1922.....	165,000	61,000	52,000	40,000
1923.....	200,000	74,000	57,000	45,000
1924.....	231,000	100,000	68,000	50,000
1925.....	350,000	162,000	85,000	57,000
1926.....	400,000	200,000	140,000	65,000
1927.....	450,000	200,000	165,000	80,000

(Hearing No. 14, pp. 1004, 1005, July 29, 1913.)

Evermann and his associates attempt a "correction" of Elliott's table.

Dr. EVERMANN. I would state that this has been brought in by Mr. Elliott to show some point which he wished to make, and I wish to show how very cautious any committee must be in accepting facts, alleged facts, or figures submitted to it by Mr. Elliott. Where he got 800,000 cows in 1927, that method of computation will give only 303,371.

DEPARTMENT OF COMMERCE  
AND LABOR, BUREAU OF FISHERIES,  
Washington, January 18, 1912.  
Hon. W. S. GOODWIN,  
House of Representatives,  
Washington, D. C.

SIR: Referring to the table submitted by Henry W. Elliott to the Committee on Foreign Affairs at the hearing on January 4, 1912, and printed on page 99 of the hearings, showing the prospective increase in the seal herd of the Pribilof Islands. I have the honor to advise that a critical examination of this table shows such serious errors in computation and such glaring discrepancies as to render the table unreliable and wholly misleading. The bureau transmits herewith a copy of Elliott's figures for breeding cows, nubile, and female pups, with the correct computations in parallel columns, so that the nature of the discrepancies can be seen at a glance. The corrected figures have been arrived at throughout by using Elliott's own basis of computation. Some of the errors are so palpable as to be readily apparent to the committee. The prospective number of breeding cows in the herd in 1927 is shown to be 303,371, whereas Elliott claims that there will then exist 800,000 breeding cows.

If the committee consider it worth while to have a hearing on this matter, the bureau will be pleased to show in detail the numerous inaccuracies in Elliott's table.

By direction of the commissioner.

Very respectfully,

H. M. SMITH,  
Acting Commissioner.

But Elliott again exposes the nonsense of that "correct" table of Evermann's.

WASHINGTON, D. C.,  
January 18, 1912—6 p. m.

Hon. WM. SULZER,

Chairman Committee on Foreign Affairs.

DEAR SIR: I have before me a letter addressed to a member of your committee from Acting Fish Commissioner H. M. Smith, dated January 18, 1912. He informs Mr. Sharp that he has been in labor during the last two weeks over my table of increase to the small nucleus of our fur-seal herd, which I gave to your committee in his presence January 4 last. He says that he now finds this table of mine full of "serious errors," "glaring," etc., and incloses "a scientific" "correction" of it—"Montes parieunter, ridiculus mus."

Mr. Smith and his "scientific" associates belong to that class of men who can see a fly on a barn door, but who can not see the door. Let me, therefore, present that problem of increase for that herd to you in another form, as I would have done January 4 last had Mr. Smith then attempted the least denial of my table given you then. It can be done very briefly and clearly, to wit:

We start in July, this year, with 50,000 breeding "cow" seals; during this July coming they will add 25,000 pup "cow-seals" to their breeding strength, or 50 per cent increase of it. But, we subtract from that 50 per cent of increase a loss of 30 per cent due to natural causes during the interval of its birth in 1912 and its reappearance on the islands in 1913, as "yearling" cow seals. Then, the loss of this "yearling" cow-seal life during the season of 1913, and its reappearance as a breeding or "nubile" life, is not to exceed 2 per cent, and that adds 18 per cent net increase of breeding strength by the opening of the season of 1914. This net annual increase of 18 per cent over all natural loss will hold good for the next 15 years, because this is a newborn increase from 1912—all young cows, the oldest of them in 1927 not over 15 years.

What is the sum of \$50,000 at 18 per cent annual interest compounded for 15 years? Therefore, you observe, I have not misled you.

I am, very respectfully, your obedient servant,

HENRY H. ELLIOTT.



Table showing prospective increase in Pribilof seal herd from 1911 to 1927, submitted by Henry W. Elliott, with correct computations in parallel columns.

Year.	Breeding cows.	
	Elliott.	Correct.
1911.....	50,000	50,000
1912.....	54,000	54,000
1913.....	57,600	57,600
1914.....	66,870	66,015
1915.....	74,358	74,723
1916.....	88,793	83,580
1917.....	103,314	93,938
1918.....	120,066	105,728
1919.....	145,997	118,852
1920.....	192,000	133,598
1921.....	225,000	150,213
1922.....	260,000	168,887
1923.....	321,000	189,874
1924.....	395,000	213,473
1925.....	450,000	240,005
1926.....	612,000	269,834
1927.....	800,000	303,371

Year.	Nubiles.	
	Elliott.	Correct.
1911.....	10,000	10,000
1912.....	10,000	10,000
1913.....	15,750	15,750
1914.....	24,300	17,010
1915.....	26,000	18,144
1916.....	30,092	20,795
1917.....	33,462	23,538
1918.....	42,163	26,328
1919.....	46,496	29,590
1920.....	57,100	33,304
1921.....	58,000	37,439
1922.....	61,000	42,084
1923.....	74,000	47,317
1924.....	100,000	53,199
1925.....	162,000	59,810
1926.....	200,000	67,244
1927.....	200,000	75,601

Year.	Female pups.	
	Elliott.	Correct.
1911.....	25,000	25,000
1912.....	27,000	27,000
1913.....	28,800	28,800
1914.....	33,435	33,008
1915.....	37,179	37,362
1916.....	44,396	41,790
1917.....	56,657	46,969
1918.....	65,033	52,864
1919.....	77,998	59,426
1920.....	96,000	66,799
1921.....	112,000	75,106
1922.....	130,000	84,443
1923.....	165,000	94,937
1924.....	197,000	106,736
1925.....	225,000	120,002
1926.....	306,000	134,917
1927.....	400,000	151,685

(Hearing No. 10, pp. 590, 591, Apr. 24, (1912.)

THE RIGGS NATIONAL  
BANK OF WASHINGTON,  
Washington, D. C., January 31, 1912.  
Mr. HENRY W. ELLIOTT,  
Room 423, Senate Office Building,  
Washington, D. C.

DEAR SIR: In the absence of Mr. Glover, who has been confined to his home by illness for several days, I am taking the liberty of replying to your letter of the 29th instant, addressed to him. We have made the calculation indicated on the inclosed slip, by the use of five space logarithm tables, and the result is \$598,642.857.

Very truly, yours,  
HENRY H. FLATHER,  
Cashier.

(Hearing No. 10, pp. 591, 592, Apr. 24, 1912.)

Evermann misquotes authentic testimony to support idle and baseless statements in re loss of life to seal herd:

Dr. EVERMANN. It is admitted by practically everyone that not more than 1 in 5 of those fatally wounded is secured by the pelagic sealers. Mr. Elliott himself has stated that, in his judgment, not more than 1 in 10 is recovered. But let us use the more conservative estimate. The number secured by the pelagic sealers in the eight years from 1890 to 1897 was 635,739. Accepting 1 to 5 as the proper ratio of seals secured to seals killed by the pelagic sealers, the number mortally wounded and not recovered was 2,542,956; and the total number killed was 3,178,695 seals.

And at least 80 per cent of these, or 2,542,956, were females. Or, if we accept Mr. Elliott's ratio of number lost to number secured, the number killed was 6,357,390, of which 3,085,912 were females.

Mr. ELLIOTT. Mr. Elliott said nobody could fix a ratio; it is ridiculous.

Dr. EVERMANN. \* \* \* Mr. Elliott says that not more than 1 in 10 is secured. (P. 141, Committee Merchant Marine and Fisheries, hearing, June 8, 1888.)

Mr. ELLIOTT. I do not say anything of the kind. It is an absurd, ridiculous assertion repeatedly repeated here.

The CHAIRMAN. One minute.

Mr. ELLIOTT. I won't let a man sit there as a scientist and utter falsehoods here.

Dr. EVERMANN. The remark—

Mr. ELLIOTT (interposing). You can not find it. I said this: The idea of estimating loss at sea was a pipe dream; no man knew what was lost. (Hearing No. 10, pp. 523-525, Apr. 20, 1912.)

Evermann attempts to justify fraud on the seal islands to the committee:

Dr. EVERMANN. An examination of Mr. Elliott's report on his work on the Pribilof Islands in 1890, published in June, 1896, shows that he kept a diary or journal in which he recorded his daily observations and field notes. This record appears to have been very carefully kept. On pages 181 and 182 I find his entry for July 7, 1890. You should examine this entry. I have read it carefully, and I fail to find in it any mention whatever of the killing of female seals. If Mr. Elliott discovered on that date that the agents were permitting the lessees to kill female seals, and if he had with the lessees' agent and the Government agent the heated

Evermann is compelled to read the testimony which he had misquoted:

The CHAIRMAN. Where was the testimony adduced?

Dr. EVERMANN. June 8, 1888, Committee on Merchant Marine and Fisheries page 140. (Reading):

"Shooting fur seals in the open waters of the sea or ocean with the peculiar shot and bullet cartridges used involves an immense waste of seal life. Every seal that is merely wounded, and even if mortally wounded, at the moment of shooting dives and swims away instantly, to perish at some point far distant and to be never again seen by its human enemies; it is ultimately destroyed, but it is lost, in so far as the hunters are concerned. If the seal is shot dead instantly, killed instantly, then it can be picked up in most every case; but not 1 seal in 10 fired at by the most skillful marine hunters is so shot, and nearly every seal in this 10 will have been wounded, many of them fatally. The irregular tumbling of the water around the seal and the irregular heaving of the hunter's boat, both acting at the same moment entirely independent of each other, make the difficulty of taking an accurate aim exceedingly great and the result of clean killing very slender." (Pp. 140-141.)

Mr. ELLIOTT. Is it there where you say I say 10, and only 1 recovered?

Dr. EVERMANN. I read the testimony.

Mr. ELLIOTT. But you know I do not say that.

Dr. EVERMANN. The committee will pass upon that.

Mr. ELLIOTT. Very well; I am satisfied. (Hearing No. 10, pp. 527-529, Apr. 20, 1912.)

But, the fraud is at once exposed to the committee:

Mr. ELLIOTT. In the first place, all those affidavits he has cited must have been made after the 14th of August, 1890. They were made by the employees of the North American Commercial Co. under pressure from George R. Tingle, who also signed one of them; they were supplemented by a letter to Secretary Charles Foster, from Capt. Michael Healey, United States Revenue Marine Service, who touched at the islands in October, 1890, and who wrote to Foster about the "seals being as numerous then as they had ever appeared to him in all previous years." (Think of such a statement from such a man, who knew so little!)

controversy to which he refers in his letter to Mr. Windom, does it not look strange that he makes no mention whatever of the matter in his diary? It seems almost inconceivable that so important a matter as the unlawful killing of female seals should not have been recorded at the time.

Mr. ELLIOTT. It is recorded in the Treasury Department.

Dr. EVERMANN. Not until two months later does he put the matter on record. He has explained why he did not embody this information in his final report to Mr. Windom, but that does not explain why it is not even hinted at in his "Daily field notes," which, he states, are given in extenso in Section VIII of his 1890 report.

In his letter to Secretary Windom he claims that he discovered that three females had been killed and straightway ordered all killing stopped. Because three seals had been killed illegally he stopped all killing. Is that what an efficient and fair-minded agent would have done? No; not at all. On the contrary, an intelligent agent, competent to cope with the situation, would have stopped the killing of females, if such were being killed, but would have continued the proper killing of males, just the same. No one except Mr. Elliott has claimed there was not an abundance of killable males. Indeed, Daniel Webster, who was in immediate charge of the killings on the islands for more than 20 years, and the chief, Anton Melovidov, have both stated under oath that 60,000 good merchantable skins could have been taken in 1890 without any injury to the herd. These respective statements follow.

Here is a copy of the sworn statement made by Daniel Webster. It touches upon several matters. They are all more or less pertinent, but I will not read them all. (Hearing No. 10, p. 489, Apr. 19, 1912.)

Those "affidavits" were simply bogus—they were false *ab initio*. They were received by Mr. Foster on April 3, 1891, in this Mills letter aforesaid, and then what happened?

On or about the 5th of April Mr. Charles J. Goff was called into Secretary Charles Foster's office and told that he need not concern himself with the seal-island business any further; that "the department had other business for him to transact at Montreal," Canada (i. e., looking after immigration cases). Goff was directed to proceed there forthwith (and he did). No complaint against him was uttered by Foster—just called him in, and sent him to Montreal in the "regular order of official business" which governs all the special agents. Goff was astonished; he was speechless, but obeyed.

Now, gentlemen, what happened? We come right back to this letter of Ogden Mills. A new administration took charge March 4, 1895. I determined to get copies of those "affidavits" which Charles Foster published a mention of in the New York Tribune, May (9?), 1891, as his authority for that suppression of my report of 1890, and those of my official associates, Messrs. Goff, Murray, Nettleton, and Lavender.

I called on Secretary John G. Carlisle of the Treasury. He evinced the liveliest interest in this question and asked Assistant Secretary Charles S. Hamlin to go with me to the chief supervising special agent's office and furnish me with copies of those affidavits, Capt. Healey's letter, etc.

Did we find those affidavits or the Healey letter? No. We traced them out from the Ogden Mills letter receipt in April, 1891, to one division after another, only to find that they had been received, had been noted, and had disappeared from the files when Charles Foster left the Secretary's office, March 4, 1895.

Why were those "affidavits" and that letter of Healey removed and taken from the official files when Charles Foster published notes of them as his official warrant for suppressing the sworn official reports of Charles J. Goff and his three assistants in charge of the seal islands for 1890, and my special report of 1890 to Mr. Windom, ordered by act approved April 5, 1890?

Why? Because their authors had perjured themselves, and if those "affidavits" had been in the hands of John G. Carlisle the lessees would have been obliged, in my opinion, by Mr. Carlisle to surrender their lease. That is why they were abstracted by or with the full knowledge and consent of Charles Foster, Secretary of the Treasury, on or some time before March 4, 1895. Nobody else could have

Evermann prompting Bowers to deny the regulation prohibiting the killing of yearlings:

Mr. McGUIRE. The only point of difference, apparently, between yourself and Dr. Elliott is on the question of the age of the seals at the killing. I believe you said your instructions to your agents are that under no circumstances are seals to be killed under 2 years of age?

Mr. BOWERS. There is no instruction to that effect this year; there was none last year to that effect; and I am not aware that it has been modified in any way; but there is an understanding, and there is a statement from the agent to the effect that no seals were taken under 2 years of age. Of course, you understand we are operating under this law which was passed a year ago, and there is no provision in that giving instructions to the agents on the islands.

Mr. McGUIRE. I understand that the regulations of 1904, with respect to the ages, have not been modified by this law; am I right or not?

Mr. BOWERS. Well, I am not sufficiently versed in the regulations of 1904, and I can not recall from memory.

Mr. McGUIRE. Well, as read a few moments ago, the statement was that none were to be killed under 2 years of age, and then you subsequently stated none had been killed to your knowledge under 2 years of age.

Mr. BOWERS. As understood from the reports submitted to us by agents on the islands, and we adjudged that, to some extent, too, by the weight of the skins.

Mr. McGUIRE. Do you know now, of your own knowledge, whether the regulations of 1904, with respect to the ages of the seals at the time of killing, have been modified?

Mr. BOWERS. Well, I am not familiar with those regulations.

Dr. EVERMANN. New regulations are issued every year.

Mr. BOWERS. I can not recall the regulations of 1904, because I can not recall having read the. They were not under

removed them or would have dared to do so, as I was told by the Treasury officials.

Those men whose names were signed to these bogus "affidavits" as inclosed in that "Ogden Mills" letter above cited are all dead save one. That survivor of this job is one James C. Redpath. He has been the general overseer and assistant general manager of the lessees ever since May 21, 1890, up to the hour that their lease expired, May 1, 1910. (Hearing No. 10, pp. 663, 665, Apr. 24, 1912.)

Secretary Nagel brings Lembkey and Evermann to swear February 4, 1911, that no seals were killed under 2 years of age:

Mr. ELLIOTT. We want that distinctly understood. We want to find out where he comes in, and where to put the responsibility. Is not Mr. Lembkey responsible for anything? Did he not get his orders from you?

Mr. BOWERS. He gets his orders from me as approved by the Secretary.

Mr. ELLIOTT. And he is bound by them?

Mr. BOWERS. He is.

Mr. ELLIOTT. Then, Mr. Chairman, I want Mr. Bowers to explain right here why Mr. Lembkey, introduced by Secretary Nagel, said on February 4 last, at a hearing of the conservation committee of the United States, on page 10, in answer to this question:

"The CHAIRMAN. How many did you kill last year?"

"Mr. LEMBKEY. We killed 12,920.

"Q. What was the youngest seal you killed; what age?"

"A. Two years old."

There we have the official statement of the Department of Commerce and Labor, without doubt or equivocation, without any question of law or anything, given to the Senate committee, that they had killed none of those seals, 12,920, under 2 years of age. Are you ready to certify to that statement here before this committee?

Mr. BOWERS. That is Mr. Lembkey's statement.

Mr. ELLIOTT. No; but, my dear sir, he is your agent. I want you to certify to it.

Mr. BOWERS. I am not evading anything; I want that distinctly understood.

Mr. ELLIOTT. Then you certify to that statement?

Mr. BOWERS. I do not have to certify to any statement made by another man. That is his statement. That is the statement as it comes to the Bureau of Fisheries from the officials. That is an official record as it comes to me. (Hearings No. 2, p. 117, June 9, 1911.)

my supervision in those days. The regulations of 1910 do not make a restriction of that character. (Hearing No. 2, p. 106, June 9, 1911.)

“Scientists” Bowers and Evermann deny the good results of the *modus vivendi* of 1891-1893:

Mr. ELLIOTT. Now, on page 137, right under this, following right there, Mr. McGillicuddy asks Mr. Bowers this question:

“Mr. MCGILICUDDY. Do you think it would be well to have a closed time?

“Mr. BOWERS. Not on land. There was a closed time from 1891, I believe, until 1894. The *modus vivendi* was put in operation then. That *modus vivendi* did more to exterminate the seals than any previous order issued or given for the five years prior to 1890.”

Did you inspire or aid him in making that declaration, Dr. Evermann?

Dr. EVERMANN. No, sir.

Mr. ELLIOTT. Haven't you made a similar declaration?

Dr. EVERMANN. I have made a statement regarding the *modus vivendi*.

Mr. ELLIOTT. As being the most destructive thing possible, didn't you?

Dr. EVERMANN. In the essential features of that statement I agree fully with Commissioner Bowers, and as to the evil results of the *modus vivendi*, yes. (Hearing No. 10, pp. 633, 634, Apr. 20, 1912.)

Mr. ELLIOTT. Mr. Lembkey, in 1904 the Hitchcock rules were first published, I believe. Have they been changed since then?

Mr. LEMBKEY. Yes; they have.

Mr. ELLIOTT. As to killing any seal under 2 years of age?

Mr. LEMBKEY. Not so far as to killing any seal under 2 years of age, but in 1906 they were changed so as to make the minimum weight 5 instead of 5½ pounds. (Hearing No. 9, p. 449, Apr. 13, 1912.)

But their associate Townsend, “sealing expert,” does not deny those good results.”

Mr. ELLIOTT. Is Mr. Charles H. Townsend a reliable witness as to the *modus vivendi*?

Dr. EVERMANN. Mr. Townsend is a very reliable man; yes.

Mr. ELLIOTT. Allow me to read what Mr. Charles H. Townsend says of this *modus vivendi* in his report to United States Fish Commissioner MacDonald, February 26, 1894:

“It is undoubtedly true, however, that the closing of Bering Sea to sealing vessels during the period of the *modus vivendi* has had a most salutary effect, and that the rookeries of the Pribilof Islands in their present condition are so nearly stationary as regards the number of seals since this regulation came into effect is distinctly traceable to the protection so afforded.”

That is found on page 7, Senate Document 137, Fifty-fourth Congress, first session.

Mr. MCGUIRE. Is this the honorable Charles H. Townsend?

Mr. ELLIOTT. No; he is an associate of Dr. Evermann in the Fur Seal Bureau. He is one of those scientists brought in as an authority for all the Bureau of Fisheries is doing. Now I want to ask Dr. Evermann how he reconciles his sweeping denunciation of the *modus vivendi* of 1891-1893 with this statement of Mr. Townsend?

Dr. EVERMANN. When the committee calls Dr. Townsend, as I believe the committee has arranged to do, Dr. Townsend can give his own explanation of his own reports and statements.

Mr. ELLIOTT. And you do not have anything to take back? You are willing to stand by your denunciation?

Dr. EVERMANN. Undoubtedly.

Mr. ELLIOTT. Mr. Townsend was up there and knew what he was talking about, didn't he?

Dr. EVERMANN. I am not offering any apology for Mr. Townsend's testimony.

Mr. ELLIOTT. He had personal knowledge, and you had not, didn't he?

Evermann tells the committee of his qualification by experience and study on the seal islands:

Dr. EVERMANN. One of the interesting phases of this question that has attracted my attention is the attitude which some persons have assumed toward the large numbers of able and distinguished naturalists who have visited the seal islands and who are without question the men most familiar with the fur-seal herd and the many problems connected with its management and effective conservation.

Within the last 25 years nearly a score of the most distinguished naturalists, not only of this country but of Great Britain, Canada, and Japan, have visited our seal islands for the specific purpose of studying the habits of the fur seals and the problems connected with the proper management of the herd. Among these gentlemen I may mention the following:

Dr. EVERMANN (reading):

"Dr. Barton Warren Evermann, in charge of the Alaska fisheries service, who, as special fur-seal commissioner in 1892, spent six months on our seal islands in the north Pacific and on the Russian seal islands, studying the fur-seal rookeries, hauling grounds, and migrations."

The CHAIRMAN. You take most of this information you get from records and documents, do you not, Doctor?

Dr. EVERMANN. I have been in the islands myself.

The CHAIRMAN. Or from actual personal observations?

Dr. EVERMANN. I have been in the seal islands myself once.

The CHAIRMAN. When was that?

Dr. EVERMANN. In 1892.

Mr. ELLIOTT. How long were you there?

Dr. EVERMANN. I spent six months on a fur-seal investigation in 1892.

Mr. ELLIOTT. How long were you on the islands?

Dr. EVERMANN. Only a very few days.

Mr. ELLIOTT. That is what I thought. (Hearing No. 10, pp. 518-519, Apr. 20, 1912.)

Dr. EVERMANN. He had knowledge of conditions on the islands in that year which I did not possess, because I was not on the islands in that year. (Hearing No. 10, p. 634, Apr. 20, 1912.)

Proof found of the "value" of his experience and study while "six months on our seal islands" ("studying"):

JOURNAL OF THE OFFICE OF THE UNITED STATES TREASURY AGENT IN CHARGE OF ST. PAUL'S ISLAND, ALASKA.

*Friday, July 22, 1892.*

Messrs. Evermann and Miller visited Northeast Point. Prof. Evermann reports the finding of four cow seals dead at Northeast Point.

*Monday, July 25, 1892.*

The watchman at Northeast Point, Martin Nedaragoff, reports that the cow seals reported dead by Prof. Evermann were not fur seals at all, but four sea lion pups.

Agent Brown and Dr. Voss and Messrs. Macoun and Maynard will go to Northeast Point and make a thorough investigation of the matter.

Messrs. Brown and Chichester, accompanied by Dr. Voss, went to Northeast Point and made a thorough investigation of the dead seal cow question, and they found that they were sea lion pups, and that Prof. Evermann was mistaken, and that the native watchman was right in every particular.

Evermann, Bowers, and Smith put out this story showing their opposition to the Hay-Elliott treaty:

[Boston Transcript, Oct. 30, 1909.]

THE "SEAL MONOPOLY"—A COMPLETE EXPLANATION OF THE ARRANGEMENT.

Exclusive rights on the Pribilof Islands again to be granted to the North American Commercial Co.—The monopoly is only American; it does not cover the entire business—There is, however, much criticism, and many charges of abuses are made; but the Government is satisfied with the system—Some provisions of the contract—The Hay-Elliott plan for a remedy of conditions.

PROF. ELLIOTT'S REMEDY.

WASHINGTON, *October 28.*

Newspaper offices have been invaded more or less of late by communications from Prof. Henry W. Elliott, of Ohio, formerly a well-known figure in Washington, sharply criticizing the apparent inaction of the United States Government in reaching an international agreement for the protection of the seal industry. Prof. Elliott is fond of harking back to an agreement which he, in cooperation with Secretary of State John Hay, was about to conclude with Sir Mortimer Durand, the British ambassador, when the negotiations were terminated by the retirement of Mr. Hay, whose death followed soon after. The Hay-Elliott agreement, as it has been styled, would have settled the whole fur-seal question, in the opinion of Prof. Elliott; but according to the view of Government officials who are supposed to know most about the sealing question, it would still have left the main question not only unsettled, but in a worse situation than before. This agreement, which bears date of March 7, 1905, provided:

(1) That all killing of fur seals on the Pribilof Islands and in the waters of Bering Sea and the North Pacific should be entirely suspended and prohibited to American citizens and British subjects for a period of 12 or more years from its date.

(2) That when, after this period of rest has lapsed, killing may be resumed on these islands only, and only of a safe number of surplus male seals annually found there, no killing at sea of any kind whatever to be resumed; this killing to be done by the American resident agents on the islands, jointly under the supervision of Canadian resident agents.

(3) That for this complete suspension of the rights of British subjects to kill

Evermann then attempts to deny this record as published by him in the Boston Transcript, October 30, 1909:

The CHAIRMAN. You thought it was a good thing to bring about this treaty, did you not?

Dr. EVERMANN. Undoubtedly, Mr. Chairman. And I may say that the other members of the Bureau of Fisheries and myself contributed everything within our power to bring about the signing of the treaty.

The CHAIRMAN. Do you not think it would have been a good thing if this treaty had been entered into when Hay was Secretary of State?

Dr. EVERMANN. A treaty of this kind ought to have been negotiated in the eighties, undoubtedly; the earlier the better; but even late is better than never at all. But it seemed to have never been handled effectively until last year. (Hearing No. 14, pp. 991, 992, July 29, 1912.)

A CURIOUS "EXPLANATION"

Stung into some semblance of activity by recent exposures of lamentable conditions in the seal fisheries of the Bering Sea, the Department of Commerce and Labor at Washington has at last been moved to offer a detailed defense of its attitude of neglect. The Washington correspondent of the Boston Transcript, in a two-column review of sealing conditions as they appear to Secretary Nagel's department, performs a public service by uncovering the official mind upon this important question.

The Transcript man, claiming to advance no opinions of his own, gives a fairly complete picture of the governmental attitude upon the seal-fisheries question. He reflects the department's "reasons" for opposing a settlement of the long controversy in accordance with the Hay-Elliott plan, which was in favor both at Washington and Ottawa when Mr. Hay was Secretary of State, and is still favored at the Canadian capital. This plan of agreement contemplated a treaty between the United States and Great Britain (Canada) first and then a similarly binding agreement with Russia and Japan, the nations next in interest. The Government's excuse for not pressing a settlement upon this plan, as it could have been done at any time since the death of John Hay, is thus told through the Transcript correspondent:

"Even though Japan and willing Russia join with Great Britain and the United States in an international agreement, nothing would exist to hinder France or



seals on the high seas, Canada will bear one-fourth of the expense of maintenance of the natives of the seal islands, annually, and cost of care and conservation of the fur-seal herd; and Canada will receive one-fourth of the gross proceeds of the sale of skins annually taken on these islands.

Prof. Elliott appends his opinion that when the Alaska fur-seal herd is fully restored, from 75,000 to 80,000 young male seals can safely be taken every season without injury to the regular birth rate of the herd.

However much impression the Hay-Elliott agreement may have made upon the authorities at the time, it has failed to command the esteem of the officials of the State Department and the Bureau of Fisheries since. They point out that its great inherent weakness is that apparently it comprehends only Canada and the United States as necessary factors in an international sealing agreement, whereas not only is Japan the chief aggressor, but she and every other country in the world would still enjoy the right to kill seals in the open sea, without the competition which the United States now supplies on the Pribilof Islands. Even should Japan and willing Russia join with Great Britain and the United States in an international agreement, nothing would exist to hinder France or any other country from pelagic sealing, hence the only effect of such an agreement might be to turn the fur-seal fisheries of the world over to countries which now do not participate in them. It is obvious, therefore, that to be effective an international agreement must include pretty much all the civilized nations of the earth. In view of this apparently self-evident truth, the Elliott solution of the problem is regarded in Washington as a very ineffective affair. The point can be made also, that the Senate probably would be slow to ratify any treaty that contemplated the payment of a royalty to a foreign Government upon products which are clearly the property of the United States. (Hearing No. 3, pp. 151, 152, July 6, 1911.)

Evermann introduces the agent of the seal lessees to the committee as another person.

NATURALISTS WHO HAVE STUDIED THE FUR SEAL FAVOR KILLING OF SURPLUS MALES.

Dr. EVERMANN. One of the interesting phases of this question that has attracted my attention is the attitude which some persons have assumed toward the large numbers of able and distinguished naturalists who have visited the seal islands and who are without question the men most familiar with the fur-seal herd and

any other country from pelagic sealing; hence the only effect of such an agreement might be to turn the fur-seal fisheries of the world over to countries which now do not participate in them. It is obvious, therefore, that to be effective an international agreement must include pretty much all the civilized nations of the earth."

The explanation is weak and preposterous. Take France, for instance, as a possible pelagic sealer. What ports could she, engaged in contraband trade, use as bases of supplies? Where would she land her skins? The nearest French port is perhaps 10,000 miles away as ships must sail. Her furs would spoil, her sailors and fishermen starve, her vessels, tossed and wrecked in that stormy sea, could not be repaired. And as with France, so with any other nation outside the circle of the proposed agreement.

The United States, Great Britain, Russia, and Japan control the situation by geographical conditions. There is every reason to believe that the three would join with the Government at Washington to stop the wanton destruction of a great natural resource if the State Department would but take the initiative.

Meanwhile the old question remains unanswered: Why does the United States refuse to act? This "explanation" of the Transcript correspondent is notable for its utter failure to explain. (Plain Dealer, Cleveland, Ohio, Nov. 8, 1909.)

The reason why Jos. Stanley-Brown is so highly regarded by the Bureau of Fisheries.

OFFICIAL JOURNAL OF THE AGENT IN CHARGE OF ST. PAULS ISLAND, ALASKA.

*Thursday, June 9, 1892.*

Mr. J. Stanley-Brown arrived and took the place of Maj. Williams as United States agent in charge of the seal islands.

*Friday, July 8, 1892.*

The entire control and management of the killing grounds and the killing of the seals were given to Mr. Fowler, of the

the many problems connected with its management and effective conservation.

Within the last 25 years nearly a score of the most distinguished naturalists, not only of this country, but of Great Britain, Canada, and Japan, have visited our seal islands for the specific purpose of studying the habits of the fur seals and the problems connected with the proper management of the herd. Among these gentlemen I may mention the following (reading):

"Dr. Barton Warren Evermann, in charge of the Alaska fisheries service, who, as special fur-seal commissioner in 1892, spent six months on our seal islands in the North Pacific and on the Russian seal islands, studying the fur-seal rookeries, hauling grounds, and migrations.

"Mr. Joseph Stanley-Brown, of New York, spent the seasons of 1891, 1892, 1894, 1895, 1896, 1897, and 1899 on the seal islands, where, as naturalist and keen business man, he made very thorough study and investigations not only of the habits of the seals but very valuable study of the economic questions involved."

Evermann attempts to misstate the Russian record of killing:

Dr. EVERMANN. They took a great number of these seals during the closed season from 1835 to 1846?

Mr. ELLIOTT. Yes; "gray pups," all males, in November, annually, and it didn't destroy them either. It would be a good thing to follow that to-day.

Dr. EVERMANN. On page 65, line 1, you say:

"Way back as far as 1826 the Russians themselves recognized the fact that they were culling the herds too closely—that they were ruining the business by the land killing of all the choice males; they knew that they alone on the islands were to blame, because no such thing as hunting fur seals in the water by white men then was dreamed of, much less done."

Do you seriously claim that it was the killing of males that reduced the herd?

Mr. ELLIOTT. I claim that the Russian agents so reported.

Dr. EVERMANN. Do you claim it did?

Mr. ELLIOTT. Certainly I do.

Dr. EVERMANN. Do you not know that up to at least 1835 female seals were regularly killed by the Russians?

Mr. ELLIOTT. No. I know you injected it into a report of another committee of this House, and the chairman of the committee apologized for the misinformation he got from you. I'm glad you asked me that question. (Hearing No. 10, p. 616, April 24, 1912. House Committee on Ex-

North American Commercial Co., by order of Mr. J. Stanley-Brown, and Assistant Agent Murray was ordered to count the seals.

Wednesday, June 6, 1894.

Steamer *Lakme*, of the North American Commercial Co. arrived, having on board \* \* \* Mr. Brown, superintendent of the North American Commercial Co.

Elliott submits to the committee the facts in re method of Russian killing:

Mr. ELLIOTT. Way back as far as 1826 the Russians themselves recognized the fact that they were culling the herds too closely—that they were ruining the business by the land killing of all the choice males; they knew that they alone on the islands were to blame, because no such thing as hunting fur seals in the water by white men then was dreamed of, much less done.

In December, 1820, Gen. Tanovsky, the imperial Russian agent, sent over to Sitka from St. Petersburg in 1818, to examine into the question of that decline of the fur-seal catch, then wrote to his Government that "so severe is this practice of" culling the best males for slaughter, "that if any of the young breeders are not killed by autumn, they were sure to be killed by the following spring," and urged the reformation of this work then on the islands.

Here is this evil of overdriving and culling the herd presented and defined 50 years before I saw it, and nearly 70 years before Jordan denies its existence in 1898. Think of it—we have sent two investigating commissions since 1890 up to our ruined fur-seal preserves on the Pribilof Islands, one in 1891 and the other in 1896-7, and yet, in spite of this plain Russian record and my detailed and unanswerable indictment of that particular abuse in 1890, these commissioners

penditures in the Department of Commerce and Labor.)

blindly and stupidly deny it. They attempt to set aside the Russian record by saying that the Russians then killed females as well as males and drove them up to the shambles in equal numbers.

The Russians did nothing of the sort. They began the season early in June by driving from the hauling grounds precisely as we do to-day and continued so to drive all through the rest of the season; they never went upon the rookeries and drove off the females; they never have done so since 1799. How, then, did the females get into their drives?

The females fell into these drives of the Russians because that work was protracted through the whole season—from June 1 to December 1. In this way the drivers picked up many cows after August 1 to 10, to the end of November following, since some of these animals during that period leave their places on the breeding grounds and scatter out over large sections of the adjacent hauling grounds, so as to get mixed in here and there with the young males. Thus the Russians in driving across the flanks of the breeding grounds, going from the hauling grounds, during every August, September, October, and November, would sweep up into their drives a certain proportion of female seals which are then scattered out from the rookery organization and are ranging at will over those sections of the hauling grounds driven from. What that proportion of this female life so driven was, in Russian time, no man to-day can precisely determine. From the best analysis I can make of it I should say that the Russian female catch in their drives never exceeded 30 per cent of the total number driven at any time, and such times were rare, and that it ranged as low as 5 per cent of female life up to the end of August annually. (Hearing No. 2, p. 65, June 8, 1911, House Committee on Expenditures in the Department of Commerce and Labor.)

#### IV.

*The sworn statements of Dr. Charles H. Townsend, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and to the House Committee on Expenditures in Department of Commerce and Labor, June 9, 1911, by Secretary Charles Nagel, as his authority for killing seals in violation of the law and regulations.*

Mr. BOWERS. The advisory board, fur-seal service, consists of the following:

\* \* \* \* \*

Dr. Charles H. Townsend, director of the New York Aquarium, for many years naturalist on the fisheries steamer *Albatross*, member of the Fur Seal Commissions of 1896 and 1897, and distinguished as a naturalist and field investigator. Dr. Townsend made a special study extending over many years of our fur seals and pelagic sealing. (Hearing No. 2, p. 109, June 9, 1911.)

## THE DEADLY PARALLEL.

All killing of fur seals on Pribilof Islands is ordered under recommendation of advisory board, of which Townsend is a member:

Mr. BOWERS. I have referred, in my report of June 30, 1909, to the Alaskan fur-seal service as follows:

"On the establishment of the Department of Commerce and Labor, in 1903, the Alaskan fur-seal service was transferred thereto from the Department of the Treasury, to which it had been attached for many years. In the Department of Commerce and Labor this service formed a distinct branch and was administered through the Secretary's office until December 28, 1908, when it was transferred to the Bureau of Fisheries. The Commissioner of Fisheries has appointed a special board, composed of five members of the bureau's staff who have personal knowledge of the Alaskan fur seals, and to this board will be assigned for consideration and recommendation all matters pertaining to the seal life on the Pribilof Islands, the blue foxes, and other animal resources on the islands, and the Government's relations to the natives and the lessees. On January 13, 1909, the Secretary, on the recommendation of the commissioner, appointed an advisory board for the fur-seal service, consisting of Dr. David Starr Jordan, Dr. Leonard Stejneger, Dr. C. Hart Merriam, Mr. Frederic A. Lucas, Hon. Edwin W. Sims, Hon. Frank H. Hitchcock, and Mr. Charles H. Townsend. The Government is thus enabled to avail itself of the expert knowledge possessed by these naturalists and officials, who, through visits to the seal islands and through previous duty on fur-seal commissions or in the administration of the fur-seal service, are familiar with the problems involved in the management of the seal herd and the seal islands."

Mr. PATTON. These recommendations were made to your bureau?

Mr. BOWERS. Yes.

Mr. PATTON. And were not made by you at all?

Mr. BOWERS. No, sir.

Mr. PATTON. But were made by this advisory board?

Mr. BOWERS. Yes, sir. [Reading:]

"It is recommended that, for the present, no fur-seal skin weighing more than 8½ pounds or less than 5 pounds shall be taken, and that not more than 95 per cent of the 3-year-old male seals be killed in any one year." (Hearing No. 2, p. 111, June 9, 1911.)

Townsend swears that he does not know how the killing has been done on the islands; does not know what a yearling seal skin is.

The CHAIRMAN. What can you tell us about the killing of seals?

Dr. TOWNSEND. I hardly know what the methods are at the present time. I have not been there since 1900. I could only discuss that subject now in a general way, if that would be satisfactory.

The CHAIRMAN. You have not been there since 1900?

Dr. TOWNSEND. Not since 1900.

Mr. MCGILLICUDDY. Are you familiar with the means and modes of skinning seals as they do up there on the islands?

Dr. TOWNSEND. Yes.

Mr. MCGILLICUDDY. Is there any way to determine the age of a seal from an examination of the skin after it is taken off the body?

Dr. TOWNSEND. Oh, yes; I think a person handling a considerable number of them would be able to throw out the different ages.

Mr. MCGILLICUDDY. There seem to have been two ways of determining the age of a seal, one is by the measurement of the skin and the other by the weight. You are familiar, I suppose, with both methods?

Dr. TOWNSEND. Only from hearsay. I do not know that I ever measured one or ever weighed one.

Mr. MCGILLICUDDY. You have no practical information on that subject?

Dr. TOWNSEND. I have no practical information on that subject. I do not remember that that matter was ever in my instructions at any time. I do not remember that I ever went into it.

Mr. MCGILLICUDDY. So far as your information goes, which do you regard as the more reliable way of determining the age of a seal, by measurement or by weight?

Dr. TOWNSEND. I can not say. I have not gone into that subject. (Hearing No. 12, pp. 736, 737, May 24, 1912.)

Bowers swears that Townsend advised him as a member of the fur-seal advisory board.

Mr. PATTON. These recommendations were made to your bureau?

Mr. BOWERS. Yes.

Mr. PATTON. And were not made by you at all?

Mr. BOWERS. No, sir.

Mr. PATTON. But were made by this advisory board?

Mr. BOWERS. Yes, sir. [Reading:]

"It is recommended that, for the present, no fur-seal skin weighing more than  $8\frac{1}{2}$  pounds or less than 5 pounds shall be taken, and that not more than 95 per cent of the 3-year-old male seals be killed in any one year." (Hearing No. 2, p. 111, June 9, 1911.)

But Townsend swears he does not know anything of the job, and does not know what he said to Nagel.

The CHAIRMAN. What do you know of the composition of the catch of 12,920 fur-seal skins taken by orders of Hon. Charles Nagel, Secretary of Commerce and Labor, and Mr. George M. Bowers, United States Fish Commissioner, during the season of 1910 on the Pribilof Islands?

Dr. TOWNSEND. I am not posted on the composition of that catch. The catch made on the islands is supposed to be made from seals that are over 1 year old, from the 2-year-olds and from some of the small 3-year-olds. Perhaps I should say the 3-year-olds with some of the smaller 4-year-olds and the larger 2-year-olds. I do not remember exactly what they were killing, but they were skins of sizes which were highly marketable, and that the fur trade could use to the best advantage. It does not make a great deal of difference what size skins you take so long as you do not take too many of the males.

The CHAIRMAN. How many of these 12,920 skins are skins not taken from seals under 2 years of age?

Dr. TOWNSEND. I have not examined the records of their ages or the records of their sizes, and can not answer the question without consulting the records.

The CHAIRMAN. Did you have a talk with Secretary Nagel after he received, on May 10, 1910, the printed protest of the Camp Fire Club of America against the issue of the orders to kill 13,000 seals during the season of 1910?

Dr. TOWNSEND. I have frequently called on Secretary Nagel when I have been in Washington, and I have discussed seal matters with him, but what I have said to him I can not say. I do not remember discussing that point with him.

The CHAIRMAN. What did you discuss with him?

Dr. TOWNSEND. Matters pertaining to the seal islands in general.

The CHAIRMAN. Did Secretary Nagel consult with you before sending his reply of May 15, 1910, to this protest of the Camp Fire Club?

Dr. TOWNSEND. I do not remember. I do not remember that I ever talked over the matter with Mr. Nagel until after the Camp Fire Club had been agitating the matter for some time.

The CHAIRMAN. Well, you did discuss it with him, didn't you?

Dr. TOWNSEND. I have discussed fur seals with him. (Hearing No. 13, p. 801, June 8, 1912.)

Townsend swears that he never believed in renewing the seal lease.

The CHAIRMAN. Dr. TOWNSEND, you were asked at a former hearing whether you wrote a letter advising the releasing of the islands for another term of years.

Dr. TOWNSEND. I believe there was such a question.

The CHAIRMAN. And there was such a letter produced in the hearing, or a copy of a letter for the hearing. That letter was dated, I think, January, 1910, was it not?

Dr. TOWNSEND. I have forgotten the letter. I have not seen it since then.

The CHAIRMAN. The letter is dated January 31, 1910.

Dr. TOWNSEND. Yes, sir.

The CHAIRMAN. On November 17, 1909, the advisory board had a meeting in which you participated and pursuant to which you made some recommendations to the Secretary of Commerce and Labor. Do you remember that there was such a meeting?

Dr. TOWNSEND. I was at such a meeting; yes, sir.

The CHAIRMAN. And the printed documents here show that it was on November 23, 1909. Was there any discussion of the releasing of the islands at this meeting of the advisory board?

Dr. TOWNSEND. I have no distinct recollection of just what we did at these meetings. I do not remember that that point was discussed with any fullness, at least.

The CHAIRMAN. If you were of the opinion that the islands should not be released, why did you not make such a recommendation to the Secretary, together with the other members of the board?

Dr. TOWNSEND. I was never of the opinion that the islands should be released. I simply supposed that it would be impossible for the Government to take them over, and that they would be released no matter what anybody could say, because they had always been leased. While I lived on the islands, there was always more or less friction between the lessees and the Government's authorities, and I always felt that the Government had as well have the profits of the seal islands rather than divide them with the lessees. (Hearing No. 13, p. 797, June 8, 1912.)

But Townsend "as a member of the advisory board" urges a renewal of the seal lease.

The "advisory board" gets busy—must renew the Elkins lease.

NEW YORK AQUARIUM,  
*Battery Park, New York, January 31, 1910.*

Hon. GEORGE M. BOWERS,  
*Commissioner United States Bureau of Fisheries, Washington, D. C.*

DEAR SIR: As a member of the fur-seal advisory board of your department and one always interested in matters pertaining to the fur-seal industry, I wish to call your attention to an important letter received from Mr. Alfred Fraser, which is inclosed herewith.

I have known Mr. Fraser for many years and have every confidence in his knowledge of this subject, as well as his entire sincerity. During the many years that the subject of the fur-seal fishery has been before our Government authorities he has supplied freely important statistics of the fur-seal trade. He has been the principal American buyer of sealskins in this country, and has been in the business for a lifetime.

There can be no doubt that a reduction in the number of sealskins now coming from the Pribilofs would be of most injurious to the sealskin trade.

It is to be hoped that the Pribilof Islands will be released this year, and that a small supply of skins will be kept available to the fur trade. The reasons for this are strongly set forth in Mr. Fraser's letter.

It is also important that the Treasury Department be requested to reconsider the matter of duty on sealskins.

The margin of profit left to the trade after the payment of duties on skins whose value is already enhanced by the Government tax on the Pribilof catch, makes them enormously expensive. In fact, their cost is almost prohibitive.

I feel that with fur-seal service transferred to your bureau and the presence in your office of a number of men well informed on this subject, you are in a position to make a good presentation of Mr. Fraser's letter to the proper authorities, and I earnestly hope that you will undertake to have this important matter properly presented.

I would suggest also that a copy of this letter be sent to Senator Dixon, who has introduced a resolution calling for a cessation of seal killing on the Pribilofs, which would undoubtedly result in more harm than good at the present time.

Very respectfully, yours,

C. H. TOWNSEND.

(Hearing No. 3, July 6, 1911, pp. 159, 160.)



Townsend does not remember that he did anything to try and defeat the antileasing bill.

Mr. ELLIOTT. Did you, at the time Mr. Bowers asked you to take up with the Campfire Club of America the subject of renewing the fur-seal lease—

Dr. TOWNSEND. What is the question?

Mr. ELLIOTT. Did you, at the time Mr. Bowers asked you to take up with the Campfire Club of America the subject of renewing the fur-seal lease, in which Ogden Mills is interested, have any—

Dr. TOWNSEND (interposing). I have no recollection of Mr. Bowers asking me to take up the matter of the Campfire Club.

Mr. ELLIOTT. You do not? Let me see if you do not. On page 157, of hearing No. 3, is a letter dated "Department of Commerce and Labor, Bureau of Fisheries, Washington, D. C., December 16, 1909," signed by "Barton W. Evermann" (p. 157)—Have you got it?

DEPARTMENT OF COM. AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, December 16, 1909.*

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.<sup>1</sup>

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

But Lucas remembers—Townsend started him.

Mr. ELLIOTT. Yes. Now, I would like to ask you, Dr. Lucas, with this letter before you, who called on you, and asked you to go to work and stop this legislation in Congress?

Dr. LUCAS. At the immediate moment I do not recall that anyone called upon me and asked me to stop this legislation in Congress.

Mr. ELLIOTT. This resolution of Senator Dixon's presented December 7, 1909; you don't remember anyone at all calling on you in regard to that?

Dr. LUCAS. If anyone it was Dr. Townsend.

Mr. ELLIOTT. Did he cite any authority for calling on you?

Dr. LUCAS. He did not.

Mr. ELLIOTT. Just his own individual idea?

Dr. LUCAS. To the best of my knowledge he said this resolution was up—I wish this to be taken down as mere hearsay, Mr. Chairman; he called me up over the phone and said this resolution was up, and asked me to write a protest against it, which I did.

The CHAIRMAN. A protest against the enactment of the law?

Dr. LUCAS. Against the enactment of the proposed law making a closed season. (Hearing No. 12, pp. 724, 725, May 16, 1912.)



Dr. TOWNSEND. Yes.

Mr. ELLIOTT. Is that letter under your eye so I do not need to read it?

Dr. TOWNSEND. Yes; I have read this letter here, sir. What do you wish to ask me in connection with it?

Mr. ELLIOTT. Who called on you, who used their influence with you, before you went to Mr. Lucas, and asked him to write letters to Members of Congress opposing the Dixon resolution, which prevented the renewal of the lease? Who asked you to go to Mr. Lucas?

Dr. TOWNSEND. I do not remember that anybody asked me to go to Mr. Lucas. (Hearing No. 12, pp. 775, 776, May 26, 1912.)

Townsend is engaged in the business of "preventing well-meaning Congressmen from being deceived," etc.

[Science, Mar. 1, 1912.]

TO THE EDITOR OF SCIENCE: In Science for February 2 Mr. Marshall McLean, member of the Camp Fire Club, enters the list of those who would by indirection ruin the fur-seal herd. He would have "natural conditions" rule upon the fur-seal islands and "all killing of selected males for commercial purposes \* \* \* cease until the tide of increase in the fur-seal herd has once more set toward the flood." He lays down as reason for this the principle "that when any species of wild animal has become so depleted as to be in danger of extinction, the best remedy is to let it absolutely alone."

"This is not the first time I have endeavored to prevent well-meaning Congressmen from being deceived by the misrepresentations which have been poured upon them for many years. The mischief-maker referred to has bobbed up every other year for the past 18 years and has been discredited every time. I hope you will look up his record as just published in House Document No. 93, Sixty-second Congress, first session, pages 1153-1162."

The Member of the House to whom I sent this letter has at last presented an amendment to the State Department bill in which he proposes to limit the killing of male seals to 5,000 a year for five years, 7,500 a year for the following five years, and 10,000 annually for five years after that. At the end of 15 years new regulations to be adopted.

Now that is better. The gentleman has evidently been thinking it over. We shouldn't probably kill much closer if allowed to have our own way. Perhaps by the time the treaty bill reaches the Senate Congress will decide that the Bureau of Fisheries is able to handle the seal fishery safely for the seal herd and for the Government.

The well-meaning Congressmen take notice of Townsend's efforts; they are not deceived.

In 1893 proceedings were commenced in the State Department, claiming damages on the part of owners, master, and crew of the *James Hamilton Lewis*. H. H. D. Peirce and *Charles H. Townsend*, "sealing experts," of the United States Bureau of Fisheries, prepared the cases for the parties interested and presented the claim on the part of the United States against the Russian Government at The Hague in 1902, which resulted in an award of approximately \$50,000 in favor of the United States Government for the use of the parties interested, including Alexander McLean and Max Weisman, November 29, 1902. The said H. H. D. Peirce and *Charles H. Townsend* presented the claim of *Max Weisman* as the owner of the vessel *James Hamilton Lewis* before the tribunal at The Hague, when in truth and in fact the owner of said schooner at the time of its seizure was *Herman Liebes*, of San Francisco. The said H. H. D. Peirce and *Charles H. Townsend* represented to the tribunal in the trial of said case that *Alexander McLean*, the captain of said vessel, was an American citizen, when in truth and fact he was a British subject and notoriously known as a pirate. (See pp. 754, 755. Hearing No. 12.)

The committee therefore recommends:

(1) That the Attorney General be requested to take such steps as may be necessary to collect the bond of \$500,000 from the said North American Commercial Co. and the sureties thereon.

(2) That the Attorney General be requested to institute civil proceedings against *Isaac Liebes* personally to recover such damages as he and his confederates did to the seal herd of Alaska from 1890 to 1910.

(3) That the State Department take up with Russia the matter of the case of the

As to the criticism of my general statement about the *Uncinaria* parasite, I can only reply that our diminished rookeries are not at present overspreading into the parasite-infected sand areas. In fact, Mr. Heath states, as quoted by Mr. McLean, "these areas have been abandoned." They must of course be fenced to protect the younger seals from infection as soon as the breeding grounds begin to expand. As to shooting some of the big males when they get too numerous, it would puzzle the experts, as well as Mr. McLean, to say which were the fittest to survive. They all look alike. Old ocean attends to the matter of selection in the case of the fur seal, weaklings do not survive the seven months' migration swim among the killer whales of the Pacific. If Mr. McLean will bring his committee to my office where there is a fairly complete set of rookery photographs and charts, he will get a clearer understanding of the Pribilof breeding grounds than he has at present. The fact is that the innocent Camp Fire Club is being used by the unscrupulous lobby which has always been kept at work by the pelagic sealers. One excuse suits it as well as another; this time it is the killing of surplus males. It is a pity that year after year it should succeed in getting the support of men of good standing who happen to be ignorant of the real facts involved.

C. H. TOWNSEND,  
*Member Advisory Board Fur Seal Service.*

(Hearing No. 10, pp. 597, 598, Apr. 20, 1912.)

Townsend, in 1895, declared that the land killing was injurious.

In the investigation made by said commission the methods of land killing as well as pelagic sealing should be studied. It may be remembered that Mr. Henry W. Elliott, formerly United States special agent, in his report of 1890, claimed that the methods of driving and killing the seals on the land were injurious to the herd. In this conclusion he is corroborated by Mr. Townsend, of the Fish Commission, whose report is also annexed. (Report of Chas. S. Hamlin, Asst. Secy. Treasury, Mar. 1, 1895, p. 452: "Seal and Salmon Fisheries." Vol. I, 1898.)

"James Hamilton Lewis" for the purpose of rectifying the wrong done by said Liebes, C. H. Townsend, and H. H. D. Peirce, against the Government of Russia, a friendly power.

(4) That with a view to carrying this recommendation into effect the Clerk of the House be directed to forward to the Secretary of State a certified copy of this report, together with a complete set of the official hearings before this committee on this subject.

JOHN H. ROTHERMEL.  
JAS. T. McDERMOTT.  
JAMES YOUNG.  
D. J. MCGILLICUDDY.

(H. Rept. No. 1425, Jan. 31, 1913, 62d Cong., 3d sess., pp. 4, 5.)

But he fell down in the shadow of Jordan and found that the lessees do no harm.

Mr. McGUIRE. Have you made any investigations recently as to what the Government is doing, and as to whether, in your judgment, the killing is being carried on just as it should be done, resulting in a reduction of the number of the surplus males?

Dr. TOWNSEND. I am of the opinion that the matter is being very carefully handled by men who understand it; that they are harvesting such of the crop as should be harvested, and that they are saving a sufficient number of breeding males. Now that the convention with Russia, Japan, and Great Britain looking to the cessation of pelagic sealing has been held, I think that the treaty should be ratified and pelagic sealing put an end to. I do not think that the males should be killed too closely, and I am not of the opinion that they have been killed too closely. (Hearing No. 13, p. 810; June 8, 1912; H. Com. Exp. Dept. C. and L.)

Townsend swears that he produced documents at The Hague which refuted charges of piracy in re the *James Hamilton Lewis* claim.

The CHAIRMAN. Did you know at the time that they were the owners of these vessels in which this pirate turned up?

Dr. TOWNSEND. No; I never knew anything about that until those things were brought out at The Hague.

The CHAIRMAN. It was developed at The Hague that the Liebes were the owners of this vessel?

Dr. TOWNSEND. That is my recollection.

The CHAIRMAN. And I suppose that is in the public records?

Dr. TOWNSEND. Everything, sir, that is connected with the matter must be between the covers of that book and be between the covers of some other public document in which the matter was brought up a year or so later on, perhaps by Mr. Elliott. But it is all published.

Mr. ELLIOTT. When this was brought out at The Hague, what did you advise Mr. Pierce to do, as his "expert pelagic sealing adviser"?

Dr. TOWNSEND. I do not know that Mr. Pierce ever asked me for advice over there. He instructed me to produce certain documents that would help him refute claims, etc. I was a statistician.

Mr. ELLIOTT. Did you produce any documents that refuted Liebes's claim?

Dr. TOWNSEND. I have no recollection in regard to it. Whatever was done is in the book.

Mr. MCGILLICUDDY. Why did you ignore the abundant sworn testimony on file in the Department of State since 1893 that the *James Hamilton Lewis* was a sealing "pirate," or raider, of seal rookeries on the Commander Islands in 1890 and 1891?

Dr. TOWNSEND. I had no information about the ownership of vessels that were said to be raiding rookeries until the time that I was sent to The Hague.

Mr. MCGILLICUDDY. Well, did you know that there was sworn testimony on file in the Department of State in 1893 that the *James Hamilton Lewis* was a sealing "pirate," or raider, of seal rookeries on the Commander Islands in 1890 and 1891?

Dr. TOWNSEND. No; I only knew from hearing it discussed, or knowing about the raids as I saw it discussed in the newspapers.

Mr. MCGILLICUDDY. If your attention was called to it in that way, did you make

But the facts of sworn record prove that the *Lewis* claim (her owner and master's) was a fraudulent one, and known widely as such.

Mr. ELLIOTT.

THE PROGRESSION OF CAPT. ALEXANDER M'LEAN AS AN "AMERICAN CITIZEN."

1890. In command of the *J. Hamilton Lewis*; H. Liebes, owner; raids Copper Island and gets off, August 1, with two men badly hurt.

1891. In command of the *J. Hamilton Lewis*; seized August 2, while raiding Copper Island with the crew of the *E. E. Webster*, owned by H. Liebes and commanded by his brother; vessel confiscated and he is imprisoned at Vladivostock a few weeks.

1892. In command of the *Rosa Sparks*, sealing schooner, of San Francisco; no raids this year.

1893. In command of the steam sealer *Alexander*, flying the Hawaiian flag; he is caught by the U. S. S. *Mohican* raiding Northeast Point, St. Paul Island, in July, but escapes in the fog because the war vessel's engines were disabled.

1894 to 1902. In command of various pelagic vessels, but under restraint from the lessees, since the claim of the *J. Hamilton Lewis* is being prepared and pressed, up to its successful end November 29, 1902, at The Hague.

1896. He appears as a "true American" before the claims award commission, which sits at Victoria, in settlement of damage suits against the United States Government for seized sealers and vessels in 1866-1889; he testifies, "at the peril of his life," for the American commissioners as to the value of the British boats seized. (See Rept. 2128, Senate bill 3410, 58th Cong., 2d sess.) He is in truth working for the highest figures obtainable from the United States Treasury, instead of the lowest.

1903. He can not be placed with certainty this year.

1904. He raids Copper Island August 2, in the "Mexican" schooner *Cervencia*; one of his men seriously shot.

1905. He attempts a raid on St. Paul Island, Northeast Point, but is driven off; he is sailing in the *Acapulco*, and defies arrest by the United States agents, for he is a British subject; at Victoria, British Columbia, in October, 1905.

1906. He raids St. Paul Island July 16-17, with a Japanese outfit; five Japs killed, and 12 prisoners taken; there is a fleet engaged in this raid, which attacked

any effort to ascertain what the evidence was that was on file in the department?

Dr. TOWNSEND. No. (Hearing No. 12, p. 774, May 25, 1912; Hearing No. 13, p. 818, June 8, 1912).

Townsend swears that it was no concern of his when he learned that the *Lewis's* claim was fraudulent—he was a “youngster” at the time he vouched for it.

The CHAIRMAN. Don't you know that the Liebes received that money?

Dr. TOWNSEND. I know that damages were awarded in favor of the United States for these vessels, but how much was allowed to the owners of this vessel I do not know.

The CHAIRMAN. Don't you know that the Liebes received it?

Dr. TOWNSEND. I do not know. I suppose they did. I presume they did. The case was decided in favor of the United States, and I have no doubt they were paid; but from personal knowledge of it, I can not say.

The CHAIRMAN. Do you swear that they did not receive it?

Dr. TOWNSEND. No, sir.

The CHAIRMAN. Will you swear that they did not own the vessel?

Dr. TOWNSEND. No, sir; I certainly could not do that.

The CHAIRMAN. Don't you know that they did own it?

Dr. TOWNSEND. I think they owned it; yes, sir; and they probably were paid. I am simply avoiding the making of a statement about a thing of which I am not absolutely positive.

The CHAIRMAN. Do you know whether it was important that the Government officials or the Secretary of the Treasury should have found out that the Liebes were the owners of this vessel in order that they could take proper action, so far as the lease was concerned, or upon the bond that was given by the company to the Government?

Dr. TOWNSEND. No, sir; I was a good deal of a youngster, and I did not meddle with those matters of the Government that did not concern me at all. (Hearing No. 13, p. 805, June 8, 1912.)

five rookeries at once and on the same days; they got away from all of them, except Northeast Point, with seals and no casualties. (Hearing No. 4, p. 184, July 11, 1911.)

But Townsend was 43 years old—an old “youngster” to plead the baby act. He was born in 1859. He vouched for this job in 1902.

TOWNSEND, *Charles Haskins*: Zoologist, b. Parnassus, Pa., September 29, 1859. \* \* \* fisheries expert Russo-American Arbitration at The Hague, 1902 \* \* \*. Address, *Aquarium*, New York. (Who's Who in America, 1912-13, p. 2113.)

(NOTE.—This is Townsend's own description of his age and standing when he vouched for the pirate McLean and lessee Liebes's claim as being “just and valid” at The Hague, June-July, 1902.)

The bogus log of the pirate ship sent to the State Department by lessee Liebes December 8, 1899.

Mr. ELLIOTT. The claim dragged, because the log book of the *Lewis* was in the hands of its captors. It was necessary that a log book be produced which would show that at the time of the seizure the *Lewis* was on the high seas. The log book taken by the Russians does not show where the vessel was at the time or what she had been doing. This difficulty is met by Liebes, who, through an agent, George R. Tingle, the general manager of the lessees of the seal islands, who, on December 8, sends, with a letter, the "original log" of the *J. Hamilton Lewis*. McLean swears to it and Tingle vouches for it to Secretary of State Olney. Tingle says that this long delay (six years) in producing the log was due to his absence from the city, when, in truth, he was in Washington nine months of each year ever since 1899 up to the date of the letter. But this log, which owners and masters have offered as the original log of the *J. Hamilton Lewis*, is soberly and solemnly received at the State Department as a bona fide exhibit for presentation at The Hague. (Hearing No. 4, p. 181, July 11, 1911.)

Townsend don't know Liebes—he does not know much about San Francisco pelagic-sealing facts—he got the great bulk of that data in Victoria, British Columbia.

Mr. ELLIOTT. Dr. Townsend, when did you first meet Isaac and Herman Liebes?

Dr. TOWNSEND. I have no recollection of ever meeting either of them.

Mr. ELLIOTT. You do not know them?

Dr. TOWNSEND. I am pretty sure that I have never met either of them.

Mr. ELLIOTT. Have you never seen them?

Dr. TOWNSEND. I have never seen them.

Mr. ELLIOTT. You never have conferred with them?

Dr. TOWNSEND. I have no recollection of it.

Mr. ELLIOTT. Have you ever been in their place of business?

Dr. TOWNSEND. They used to have a big store in San Francisco; it is possible I may have been in it. I have no recol-

Townsend, as an "expert," vouches for this pirate's log being genuine and legally in form, at The Hague July, 1902.

Mr. MCGILLICUDDY. Do you mean to say that our Government claimed damages for the seizure of a vessel by the Russian Government when such vessel was engaged in pelagic sealing?

Dr. TOWNSEND. Yes, sir.

Mr. MCGILLICUDDY. And that was done through our State Department?

Dr. TOWNSEND. That is about my recollection.

Mr. MCGILLICUDDY. You were there as an expert, were you not?

Dr. TOWNSEND. Yes, sir.

The CHAIRMAN. I do not want him to make a statement that he can not substantiate, but I would like to know now, Dr. Townsend, in what capacity you were at The Hague Tribunal in this matter?

Dr. TOWNSEND. In the progress of the work before The Hague Tribunal it became necessary for the Secretary to produce information on various sealing matters, such as the movements of sealing vessels. I carried along with me a trunk full of log books of sealing vessels. We would have before us the charges made by the Russian representative during the day, and we would work all night preparing something to refute the charges. I carried the log books that had been taken from the vessels. (Hearing No. 12, pp. 756, 758, May 24, 1912.)

But when Victoria is reached, Townsend has no data whatever as to pelagic-sealing business duly claimed by him May 25, last.

The CHAIRMAN. Who compose the Victoria Sealers' Association?

Dr. TOWNSEND. I do not know who the officers are.

The CHAIRMAN. What is their business?

Dr. TOWNSEND. I suppose it is a company for the carrying on of pelagic sealing. They are the owners of vessels, and must be located in Victoria.

The CHAIRMAN. Is that their place of business?

Dr. TOWNSEND. Very likely. I can hardly imagine that it would be anywhere else.

The CHAIRMAN. How long have they been in business there?

Dr. TOWNSEND. I do not know, but probably for a good many years.

The CHAIRMAN. Do you know a man by the name of Morris Moss?

lection of ever going there to see those men.

Mr. ELLIOTT. You were engaged as an employee of the Bureau of Fisheries, looking into this matter of pelagic sealing for a number of years, were you not? And, in your reports, you had occasion to see the "owners" and look into "the books of the owners" of pelagic-sealing vessels, did you not?

Dr. TOWNSEND. I got most of my log books directly from captains of vessels.

Mr. ELLIOTT. Do you not know from your investigation that Liebes was the largest dealer in pelagic sealskins on the Pacific coast?

Dr. TOWNSEND. The great bulk of my data was obtained, not in San Francisco, but in Victoria.

(Hearing No. 12, pp. 773, 774, May 25, 1912.)

Townsend repeats the falsehood of Jordan in re a fictitious pelagic-sealer's lobby—the former takes his cue from the latter's telegram to Congress.

[Science, Mar. 1, 1912.]

TO THE EDITOR OF SCIENCE:

If Mr. McLean will bring his committee to my office where there is a fairly complete set of rookery photographs and charts, he will get a clearer understanding of the Pribilof breeding grounds than he has at present. The fact is that the innocent Camp Fire Club is being used by the unscrupulous lobby which has always been kept at work by the pelagic sealers. One excuse suits it as well as another, this time it is the killing of surplus males. It is a pity that year after year it should succeed in getting the support of men of good standing who happen to be ignorant of the real facts involved.

C. H. TOWNSEND,

*Member Advisory Board Fur Seal Service.*

(Hearing No. 10, pp. 597–598, Apr. 20, 1912.)

Dr. TOWNSEND. I do not remember any such person.

The CHAIRMAN. Do you know that he is connected with the Sealers' Association, or the Victoria Sealers' Association?

Dr. TOWNSEND. No, sir; I have no information on the subject.

The CHAIRMAN. Do you know of any business relation between Liebes & Co. and the Victoria Sealers' Association?

Dr. TOWNSEND. No, sir.

The CHAIRMAN. You never did discover that as long as you were connected with the Bureau of Fisheries?

Dr. TOWNSEND. I was probably not interested in it at all. As furriers, they were probably were interested in every thing of that kind.

The CHAIRMAN. Lampson & Co. have an agent with the Victoria Sealers' Association, have they not?

Dr. TOWNSEND. I can not say; I do not know.

The CHAIRMAN. Do you know the number of skins that were consigned by the Victoria Sealers' Association in 1895 and 1896?

Dr. TOWNSEND. No, sir; but that is a matter of record, no doubt.

(Hearing No. 13, pp. 807, 808, June 8, 1912.)

Townsend attempts a denial of the responsibility of the derogatory Osborn-Grant letter, while Elliott proves that in 1909 he refused to admit any "rights" for pelagic sealers.

Mr. ELLIOTT. Yes. Dr. Townsend, I have in my hand a letter signed by Henry Fairfield Osborn and Madison Grant, president and chairman of the New York Zoological Society, general office, No. 11 Wall Street, dated February 8, 1912, addressed to the Hon. W. S. Goodwin, Committee on Foreign Affairs, Washington, D. C. In this letter appears the following paragraph:

"Mr. Henry W. Elliott, who holds views opposite to the foregoing, is and has been for many years a man entirely discredited in the scientific world and is not taken seriously by anyone who has followed his record in connection with this subject during the past 18 years. We believe that those who have supported him in this unnecessary and senseless agitation, which has been solely instigated by him, have been grossly misled."

I ask if you inspired that letter?



PALO ALTO, CAL.,  
February 5, 1912.

Hon. WM. SULZER,  
House of Representatives,  
Washington, D. C.:

To incorporate a clause establishing in fur-seal bill a close season prohibiting killing of superfluous males would do no good to herd, but would kill treaty. No one knows this better than the pelagic-sealers' lobby, which for 20 years has been led by Henry W. Elliott.

DAVID STARR JORDAN.

(Hearing No. 12, p. 771, May 25, 1912.)

Dr. TOWNSEND. Mr. Chairman, do I understand that this question comes from you?

Mr. ELLIOTT. It comes from me.

Dr. TOWNSEND. Must I submit to the cross-examination by Mr. Elliott?

The CHAIRMAN. You will just answer the question.

Dr. TOWNSEND. I am not responsible for the writings of Mr. Grant or Mr. Osborn. I have nothing to do with their statements.

(Hearing No. 12, pp. 768, 769, May 25, 1912.)

17 GRACE AVE., LAKEWOOD, OHIO,  
November 3, 1909.

Dr. DAVID STARR JORDAN,  
Stanford University, Cal.

DEAR SIR: Your letter of the 6th instant has been duly received. With regard to that appearance of my track chart in your report of 1896, you seem to be not quite clear in your mind as to how it got in there as it did. Perhaps the following statement of fact may help you to know its publication there without that credit given to me as its author which is indisputably mine:

With regard for the "rights" of those Victorian sea wolves, I hope that they will never get a penny for their rotting vessels or their "good will." They have had far, far too much already at the expense of humanity and decency. Let their vessels rot, and let their owners rot with them.

Very truly, yours,

HENRY W. ELLIOTT.

(Hearing No. 12, pp. 763, 764, May 25, 1912.)

But Osborn says they advised how to write.

Mr. ELLIOTT (reading):

THE AMERICAN MUSEUM  
OF NATURAL HISTORY,  
OFFICE OF THE PRESIDENT,  
New York, January 22, 1912.

DEAR SIR: As president of the American Museum of Natural History, I have been securing the advice of the expert zoologists of this institution, especially of Dr. Frederic A. Lucas, who is a trained authority on the fur-seal question. I desire to protest against the proposed amendment to the fur-seal bill (drafted by the State Department), which amendment provides a 15-year closed season on male seals. This amendment, should it become law, would exterminate the great seal herd of the United States, and is founded upon ignorance of the first principles of breeding under natural conditions, and of the artificial conditions

Townsend and Lucas deny Osborn's letter.

Mr. ELLIOTT. Did you inspire the letter which Henry Fairfield Osborn, president of the American Museum of Natural History, wrote to Chairman William Sulzer?

Dr. LUCAS. I did not. Kindly note, Mr. Elliott asked if I inspired that letter.

The CHAIRMAN. Do you know anything about it?

Dr. LUCAS. Only after it was written.

The CHAIRMAN. Were you in consultation about it with anyone?

Dr. LUCAS. No; my advice was not asked.

Mr. ELLIOTT. Do you agree with Mr. Osborn in this statement:

NEW YORK ZOOLOGICAL SOCIETY,  
New York, January 22, 1912.

MY DEAR MR. SULZER: I understand there is a proposal to add to the fur-seal bill drafted by the State Department an



amendment for a 15-year closed season on male seals.

This amendment is a vicious one, which will certainly lead to the complete extermination of the seals. I understand it was proposed by Mr. Elliott, who has no standing in this country as a zoologist, and I believe is supported by my friend Dr. Hornaday, who, I regret to say, has come under the influence of Mr. Elliott. Dr. Hornaday's position in the matter is entirely personal, and does not in any way represent the judgment of the New York Zoological Society. All the zoologists of note in this country, all the scientific experts whose opinions are worthy of consideration, all the trained experts who have made a special study of the fur-seal problem, all naturalists who understand that an excess of males is fatal to both the females and the young, and finally all those who desire through intelligent study of the question from motives of humanity as well as from motives to protect the economic interests of the United States, are opposed to the 15-year closed season.

The reason is a very simple one, which you can yourself readily understand, namely, that there is an unnatural excess of males on the islands, due to the fact that pelagic sealing has destroyed 85 females out of the 100 in the herd; thus the balance of nature has been destroyed. When there are not enough females to go around, the bulls will fight for them, and in doing so will kill both the females and the pups. Under natural conditions of breeding there would be an equal number of females and males; nature takes care of these things, but the pelagic sealers have produced a set of new and entirely artificial conditions; consequently the proposal of the United States Fish Commission experts to keep down the resulting excess of males, and thus to restore gradually the balance which nature has instituted for all time between the sexes is the only one which will preserve this great herd.

I have given this matter very prolonged study and have read all the documents, and I regret to say that your committee has been given a great amount of misinformation under the guise of sentiment for the protection of these animals. I am one of the most ardent advocates of protection of the wild animal life of this country and in this spirit and in the interests of my country I can not express myself too emphatically. My opinion is identical (with the exception of my friend Dr. Hornaday) with that of all the leading zoologists and mammalogists of rank in the United States, and if you desire I can have prepared for your committee at short notice a document signed by all these men. The article by Hugh

which have been brought about on the islands through prolonged and fateful pelagic sealing.

I am, very respectfully,

HENRY FAIRFIELD OSBORN,  
*President.*

HON. WILLIAM SULZER,  
*Chairman Committee on Foreign Affairs, House of Representatives, Washington, D. C.*

I am strongly in favor of the bill itself.

Now, how did he get the idea that they would be exterminated after he had conferred with your scientific acumen?

Dr. LUCAS. Men may confer, you know, and do something entirely different.

Mr. ELLIOTT. How did he get that impression, if not from you?

Dr. LUCAS. I do not know. You will find all my publications entirely different from that.

Mr. ELLIOTT. So you will not be responsible for what Dr. Osborn says?

Dr. LUCAS. Not in this case; certainly not.

Mr. MCGILLICUDDY. Did you have any part in causing Dr. Henry Fairfield Osborn to write to Hon. William Sulzer a letter dated January 22, 1912, in which the former tells the latter that unless the surplus young males are all killed by man these animals will, if left alone by man, grow up and exterminate the species in a few years? Did you inspire that letter?

Dr. TOWNSEND. That is not such a letter as I would write.

Mr. MCGILLICUDDY. Do you think he stated it sensibly or correctly?

Dr. TOWNSEND. No; I do not think he stated it correctly.

Mr. MCGILLICUDDY. Have you ever made any statement about it or protested against his statement of it?

Dr. TOWNSEND. Only as I have written about it since then; I have not ventured to criticise him, but I have stated the case with regard to the seals very plainly a number of times. I have not attempted to criticise him. (Hearing No. 12, pp. 722, 723, May 16, 1912 (Lucas's testimony); Hearing No. 13, pp. 824, 825, June 8, 1912 (Townsend's testimony).)

M. Smith, of the United States Fisheries Bureau, one of the finest and most unprejudiced and unbiased men of science in the country, in the last number of the National Geographical Magazine exactly expresses the truth on this subject.

With your permission, I should like to publish this letter, but will not do so without your permission.

With best wishes for the prosecution of the many grave and important questions which are before your committee, and with continued personal regard, I am,  
Sincerely, yours,

HENRY FAIRFIELD OSBORN,  
*President.*

Hon. WILLIAM SULZER,  
*Chairman House Committee on Foreign Affairs, House of Representatives, Washington, D. C.*

Dr. LUCAS. I do not agree with that, which shows very plainly I did not inspire the letter.

Townsend, naturalist, does not believe the natural law which governs wild life is the best; he knows better.

Mr. McGUIRE. Do you approve the present policy, then, that the Government continue the killing?

Dr. TOWNSEND. I approve that.

Mr. McGUIRE. And, in your judgment, will the seals increase under the present regulations and the present method of killing by the Government, in case pelagic sealing is stopped?

Dr. TOWNSEND. Oh, yes; they are bound to increase. The stock of breeders will increase, and when the pelagic sealers stop killing the females at sea there will be more pups born. The animals are polygamous, and the males fight so much among themselves that they destroy a part of the crop of infant seals by their fighting.

Mr. McGUIRE. Then, in your judgment, there is nothing to be gained by the cessation of the killing of the seals, providing the regulations are proper?

Dr. TOWNSEND. There is nothing to be gained. The male seals are on shore; they do not go away to sea as the females do when they are nursing their young, and they can be managed; they can be farmed, and the surplus stock of males disposed of just the same as you dispose of the surplus stock of any domestic animals, your surplus male stock. It is a clear-cut proposition, and very well understood by those who have been up there. (Hearing No. 13, p. 812, June 8, 1912.)

Liebes, seal contractor, has carefully studied the question and has the same improvement over natural law in mind.

The CHAIRMAN. Do you think it would be better to kill males not less than 3 years old than to kill males less than 2 years old?

Mr. LIEBES. Well, naturally, they are more valuable; but if there is no pelagic sealing at all, then, naturally, it makes no difference what you kill, except the natural enemies they have in the water.

The CHAIRMAN. But I have always had the impression, without knowing anything about the subject, except what I have heard at these hearings, that it was killing too closely that would injure the herd—I mean, killing them too young.

Mr. LIEBES. Oh, no. As I say, there are too many "P's," too many professors, too much politics, and too much pelagic sealing; that is what is killing the herd more than anything else.

The CHAIRMAN. Is there any politics in the killing up there?

Mr. LIEBES. No; not up there, but in Washington. You can not run a stock farm from Washington and tell them what is going to happen next year. You should have men there in whom you have confidence, and let them run the thing. A business man, running a stock farm, would not sit down in Washington and write a letter up north telling them to let the stock run wild for 5 or 10 years. My Lord, it would be ruinous; that would kill off the herd; they would destroy themselves. (Hearing No. 13, p. 878, June 20, 1912.)

Townsend don't like Elliott.

Dr. TOWNSEND. To go back to the subject of the hearings: I have nothing to add to what has been said by the hard-working and efficient officials of the Department of Commerce and Labor whom Elliott has placed under fire. What I have written in the past year in *Science* has already been reprinted in the hearings, and my views are there available.

I am unwilling, after 20 years of acquaintance with the ways of Elliott, to appear before any committee in which he may be an inquisitor, or where he may even be present.

The CHAIRMAN. I want to be entirely fair to the witness, and would suggest that if there is any place you can discover in any of the hearings where Mr. Elliott falsified or has overstepped the truth, so far as the chair is concerned you are entirely at liberty to submit the statement.

Mr. ELLIOTT. He should be compelled to.

The CHAIRMAN. One moment. I simply make that statement on account of the allegations in the statement which the witness has just read.

Dr. TOWNSEND. It would take a good deal of your time, Mr. Chairman, to go through and point these out.

Mr. ELLIOTT. You will have to before you leave the city; I will tell you that. You will answer a good many other questions to-day. (Hearing No. 12, pp. 739, 740, May 24, 1912.)

One of a hundred reasons why.

The CHAIRMAN. Dr. Townsend, do you know the extent to which Liebes dealt in sealskins?

Dr. TOWNSEND. I could not say that I know the extent; I simply know they were furriers interested in all kinds of furs, especially seals.

The CHAIRMAN. Did you know at the time that they were the owners of these vessels in which this pirate turned up?

Dr. TOWNSEND. No; I never knew anything about that until those things were brought out at The Hague.

The CHAIRMAN. It was developed at The Hague that the Liebes were the owners of this vessel?

Dr. TOWNSEND. That is my recollection.

The CHAIRMAN. And I suppose that is in the public records?

Dr. TOWNSEND. Everything, sir, that is connected with the matter must be between the covers of that book and be between the covers of some other public document in which the matter was brought up a year or so later on, perhaps by Mr. Elliott. But it is all published.

Mr. ELLIOTT. When this was brought out at The Hague, what did you advise Mr. Pierce to do, as his "expert pelagic sealing adviser"?

Dr. TOWNSEND. I do not know that Mr. Pierce ever asked me for advice over there. He instructed me to produce certain documents that would help him refute claims, etc. I was a statistician.

Mr. ELLIOTT. Did you produce any documents that refuted Liebes's claim?

Dr. TOWNSEND. I have no recollection in regard to it. Whatever was done is in the book. (Hearing No. 12, p. 774, May 24, 1912.)

## V.

*The sworn statements of Dr. Frederic Augustus Lucas, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and to the House Committee on Expenditures in Department of Commerce and Labor, June 9, 1911, by Secretary Charles Nagel, as his authority for killing seals in violation of the law and regulations, to wit:*

Mr. BOWERS. \* \* \*

FUR-SEAL BOARD,  
BUREAU OF FISHERIES.

In the Bureau of Fisheries, general matters regarding the fur seals are considered by a fur-seal board, consisting of the following;

\* \* \* \* \*

Dr. Frederic A. Lucas, Director of the American Museum of Natural History, member of the Fur Seal Commissions of 1896 and 1897, and one of the keenest, most discerning, and best-known naturalists. \* \* \* (Hearing No. 2, p. 109, June 9, 1911.)

THE DEADLY PARALLEL.

Lucas attempts to pass a "doped" sales sheet on the committee as a genuine sheet.

Dr. LUCAS. May I make a statement? In all these sales of skins the skins are advertised by weight and not by size.

Mr. ELLIOTT. Are they advertised by weight? Find an advertisement by weight in the Lampson catalogues and you will find something I have never been able to find.

Dr. LUCAS (reading):

"C. M. Lampson & Co. exposed to sale by auction at the College Hill public sale room on Friday, December 15, 1911, at 2 o'clock precisely, the following goods, viz, 12,002 skins, salted fur seal, Alaska."

Here follows the table:

"Lot 1, 1 middling and small, 10 pounds, no ounces; 98 smalls, 8 pounds, 4 ounces."

Mr. ELLIOTT. Since when was that put out?

Dr. LUCAS. Last December.

Mr. ELLIOTT. That is a notation put on by somebody else.

Dr. LUCAS. This is a copy of the list.

Mr. ELLIOTT. That is not the catalogue of sales in London.

Dr. LUCAS. This is a catalogue of the sales.

(Mr. Elliott takes paper.)

Mr. ELLIOTT. I've got it here.

Dr. LUCAS. Absolutely; hand that paper back here.

Mr. ELLIOTT. Certainly. Those figures ought not to have been written on there. They have never been put on in the original statement, and time of sales of those skins. (Hearing No. 12, p. 726, May 16, 1912.)

But he is exposed and prevented by the presentation of a genuine sheet.

Dr. LUCAS. Show me one where they are not in.

Mr. ELLIOTT. I've got it right here. You can look over the London sales catalogues of the Lampsons like this one for 20 years, and you can find neither weight nor measurement.

Dr. LUCAS. Then they don't mean anything.

Mr. ELLIOTT. They do "mean anything." How do you suppose these skins are classified?

Dr. LUCAS. By weight.

Mr. ELLIOTT. No, sir. How could they classify them by weight—get the size by weight?

Dr. LUCAS. Aren't you willing to say that they are classified by weight?

Mr. ELLIOTT. No; because Mr. Fraser says, on pages 30 to 33 of hearing No. 1, that they are classified by measurement.

The CHAIRMAN. I do not suppose that the people who deal in skins care so much about the weight as the size. It is the size which is needed to cover a person's back, isn't it?

Mr. McGUIRE. I do not know how they classify them. There seems to be a difference in these copies. If this is genuine that the doctor has, it seems to me that they sometimes do put in the figures of weights and sometimes they do not put them in.

Mr. ELLIOTT. They never have. I have the whole series of catalogues for 20 years. That is a notation made by somebody else, exactly as I might make a notation on it now and here.

Dr. LUCAS. I would like to ask one question, which is if these skins are sold by measurement why is it that they are always alluded to in the sales and on the lists of seals taken as weighing so much?

Mr. ELLIOTT. I have never known of them being alluded to in that way in the sales. Here is the sales catalogue of the Lampsons' last sale, December 29, 1911. There is not the slightest allusion to measurement or weight there. They are all classified by measurements, which govern the sizes of "small pups," "middling pups," etc.

The CHAIRMAN. There seems to be a variation in these statements. Is the original document here?

Mr. ELLIOTT. Here it is. I will put it right in if you like [handing paper to chairman]. (Hearing No. 12, p. 727, May 16, 1912.)

374 INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

The "doped" sales sheet of London broker, which Lucas presented as genuine.

The CHAIRMAN. Is that correct?

Dr. LUCAS. No; I have the same thing of that very sale, which came from Mr. Fraser, Lampson & Co.'s agent in New York.

Mr. ELLIOTT. I do not dispute the notations; but, Fraser did not attend the sale; he has made them outside.

The CHAIRMAN. I would suggest that we print both statements in the record and compare them afterwards. These two statements may be marked "Exhibit A," submitted by Dr. Lucas, and "Exhibit B," offered by Mr. Elliott.

The documents referred to are as follows:

"EXHIBIT A.

"C. M. Lampson & Co. exposed to sale by auction at the College Hill public sales-room on Friday, December 15, 1911, at 2 o'clock precisely, the following goods, viz, 12,002 salted fur-seal skins, Alaska. Prompt, December 29, 1911.

"The purchasers are particularly requested to have some one in attendance to superintend the counting, as no claim for deficiencies can be allowed after the goods have been counted and delivered from the warehouse."

\* \* \* \* \*

12,002 SKINS, SALTED FUR SEAL, ALASKA.

[In cold storage at New Hibernia Wharf. Samples at C. M. Lampson & Co.'s warehouse, 64 Queen Street, E. C. At per skin, to advance 1s. Buyers are requested to note that all skins are stamped "L A" on the right cheek.]

Lot No.	Shillings.	Number and kind.	Weight.
			Lbs. oz.
Lot 1.....	224	1 middling and small.	10 0
Lot 2.....	202	98 smalls.	8 4
Lot 3.....	206	80 large pups.	7 4
Lot 4.....	206	do.	
Lot 5.....	206	do.	
Lot 6.....	206	69 large pups.	
Lot 7.....	174	90 middling pups.	6 8
Lot 8.....	174	do.	
Lot 9.....	172	do.	
Lot 10.....	172	do.	
Lot 11.....	172	do.	
Lot 12.....	172	do.	
Lot 13.....	172	do.	
Lot 14.....	172	do.	
Lot 15.....	172	do.	
Lot 16.....	172	do.	
Lot 17.....	172	do.	
Lot 18.....	170	do.	
Lot 19.....	170	do.	
Lot 20.....	170	do.	
Lot 21.....	170	do.	
Lot 22.....	168	do.	
Lot 23.....	168	105 middling pups.	
Lot 24.....	130	100 small pups.	5 13
Lot 25.....	128	do.	

\* \* \* \* \*

(Hearing No. 12, pp. 728, 729, May 16, 1912.)

The genuine sales sheet of the London broker, given to committee.

The CHAIRMAN. Where does this list that you have come from?

Mr. ELLIOTT. From Lampson's agent in New York.

The CHAIRMAN. I would suggest that we print both statements in the record and compare them afterwards. These two statements may be marked "Exhibit A," submitted by Dr. Lucas, and "Exhibit B," offered by Mr. Elliott.

The documents referred to are as follows:

"EXHIBIT B.

"C. M. Lampson & Co. Exposed to sale by auction at the College Hill public sale room on Friday, December 15, 1911, at 2 o'clock precisely, the following goods, viz, 12,002 salted fur-seal skins, Alaska. Prompt, December 29, 1911.

"The purchasers are particularly requested to have some one in attendance to superintend the counting, as no claim for deficiencies can be allowed after the goods have been counted and delivered from the warehouse."

\* \* \* \* \*

12,002 SKINS, SALTED FUR SEAL, ALASKA.

[In cold storage at New Hibernia Wharf. Samples at C. M. Lampson & Co.'s warehouse, 64 Queen Street, E. C. At per skin, to advance 1s. Buyers are requested to note that all skins are stamped "L A" on the right cheek.]

Lot No.	Shillings.	Number and kind.
Lot 1.....	224	1 middling and small.
Lot 2.....	202	98 small.
Lot 3.....	206	80 large pups.
Lot 4.....	206	Do.
Lot 5.....	206	Do.
Lot 6.....	206	Do.
Lot 7.....	174	69 large pups.
Lot 8.....	174	90 middling pups.
Lot 9.....	172	Do.
Lot 10.....	172	Do.
Lot 11.....	172	Do.
Lot 12.....	172	Do.
Lot 13.....	172	Do.
Lot 14.....	172	Do.
Lot 15.....	172	Do.
Lot 16.....	172	Do.
Lot 17.....	172	Do.
Lot 18.....	170	Do.
Lot 19.....	170	Do.
Lot 20.....	170	Do.
Lot 21.....	170	Do.
Lot 22.....	168	Do.
Lot 23.....	168	105 middling pups.
Lot 24.....	130	100 small pups.
Lot 25.....	128	Do.

\* \* \* \* \*

(Hearing No. 12, pp. 731, 732, May 16, 1912.)

Lucas declares that the size of the skin has nothing to do with its classification.

Dr. LUCAS. You are also doubtless familiar with the fact that the classification of the seals in the sales has absolutely nothing to do with actual ages and sizes. (Hearing No. 12, p. 708, Mar. 16, 1912.)

Lucas swears that the green skins weigh more than when salted.

Dr. LUCAS. For example, you will find large pups here whose skins weighed 7 pounds 4 ounces, the size of either an average 2-year-old or a small 3-year-old seal; middling pups weighing 6 pounds 4 ounces, the size of a 3-year old. And if these seal-skins follow the rule of other skins—and I have handled a great many hundreds of skins—they will weigh less at the London sales after being salted than they will weigh fresh on the islands, because when a skin is salted the salt takes the moisture out of it and it comes to the sale in a semi-dry condition. (Hearing No. 12, p. 708, May 16, 1912.)

But the London sales agent says that its size does determine it, by measurement so classed.

#### TESTIMONY OF MR. ALFRED FRASER.

(The witness was duly sworn by the chairman.)

Mr. FRASER. Yes. I was in the fur business, being a member of the firm of C. M. Lampson & Co.

The CHAIRMAN. For how many years did you say you were connected with that company?

Mr. FRASER. I was connected with them since 1865.

The CHAIRMAN. What was your business as their representative?

Mr. FRASER. I took care of their business in New York.

The CHAIRMAN. If you will kindly send us a catalogue I will look it over and submit it to the committee. Prof. Elliott, do you want to ask any question?

Mr. ELLIOTT. Just one question, not to criticise Mr. Fraser, because he has told the exact truth [reading]:

"The London classification of skins is based upon the length of the skin, and then weight (p. 916, vol. 8, Proceedings of the Bering Sea Tribunal)."

Mr. FRASER. That is so; I do not dispute that. (Hearing No. 1, pp. 29, 33, June 2, 1911.)

Mr. ELLIOTT. The London people knew nothing, and still know nothing, about the age of seals, and they cared nothing, about it. They were interested in the size and the quality. They ascertained and formed their idea of the skin's value primarily by its measurement, and, secondly, by its weight. The weight would vary. Sometimes more salt and blubber are used and sometimes less. But the measurements were reasonably steady and constant. They measure their sealskins. We weighed ours on the islands. (Hearing No. 1, p. 12, May 31, 1911.)

The London authority declares that the salted skins are heaviest, and the island records confirm it.

Mr. ELLIOTT. I will go further, and submit as Exhibit J this paper. I won't read all of this in regard to the British authority on Alaskan fur-seal classification and what he says, as compared with our tables; but I will read one word from a chief British authority in an official letter written December 21, 1892, by Sir Curtis Lampson's sons to the British commissioners, Sir George Baden-Powell and Dr. George M. Dawson. Sir Curtis Lampson says:

"We are unable to answer your inquiry as to in what class in the sales catalogue would be placed a skin classified on the islands as, say, a 7-pound skin, as we do not

know whether the classification you mention refers to the skins as taken from the animals or after they have been cured and salted ready for shipment. The process of curing and salting must of necessity add to the weight. (See p. 916, Proceedings of the Tribunal of Arbitration, vol. 8, Paris, 1893.)" (Hearing No. 1, p. 14, May 31, 1912.)

The London authority is confirmed on the Seal Islands.

[Official Journal, Government Agent in Charge Seal Islands, St. Pauls Island, Alaska.]

SATURDAY, *July 23, 1904.*

On July 18, 107 skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the bench and re-weighed. At the time of killing they weighed 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin. (Entry made on p. 149 by W. I. Lembkey, Chief Special Agent in Charge Seal Islands.)

Lucas weighed and measured no sealskins, because this work had been done:

Mr. ELLIOTT. Nowhere in your table is there a record of a "green" skin weight?

Dr. LUCAS. Not in my table. No; except the one I think of, one skin only. The weight had been very carefully taken by Government agents and others, and it was a part of the work we did not deem it necessary to take.

"There is a large amount of evidence bearing on these facts collected by Messrs. Judge and Lembkey, and I have perfect faith in their observations from my personal knowledge of the men." (F. A. Lucas to Hon. E. H. Townsend, Feb. 24, 1912. Hearing No. 14, p. 948.)

Mr. ELLIOTT. I've got it right here. You can look over the London sales catalogues of the Lampsons like this one for 20 years, and you can find neither weight nor measurement.

Dr. LUCAS. Then, they don't mean anything.

Mr. ELLIOTT. They do "mean anything." How do you suppose these skins are classified?

Dr. LUCAS. By weight.

Mr. ELLIOTT. No, sir. How could they classify them by weight—get the size by weight?

Dr. LUCAS. Aren't you willing to say that they are classified by weight?

Mr. ELLIOTT. No; because Mr. Fraser says, on pages 30 to 33 of hearing No. 1, that they are classified by measurement. (Hearing No. 12, pp. 726, 727, May 16, 1912.)

But he has never seen the table of one of his associates which denies his claim that the skins are classified by weight:

Mr. ELLIOTT. How do you know that the weight determines the size?

Dr. LUCAS. The size determines the weight.

Mr. ELLIOTT. Does it?

Dr. LUCAS. The size determines the weight.

Mr. ELLIOTT. Are you sure of that?

Dr. LUCAS. Naturally, to a great extent it does.

Mr. ELLIOTT. Are you acquainted with the tables of salted weights published by one of your associates, of 275 skins, which give a complete denial to your statement?

Dr. LUCAS. I am not.

Mr. ELLIOTT. You have never seen the table of Mr. Judge?

Dr. LUCAS. I presume I have seen the table, but I never noticed it. (Hearing No. 12, p. 726, May 16, 1912.)



Lucas says that the weights show that no yearling skins are taken:

AMERICAN MUSEUM  
OF NATURAL HISTORY,  
*New York, February 18, 1912.*

DEAR SIR: Noticing your remark on page 2168 of the Congressional Record for February 14, I take the liberty of saying that the weights of the sealskins (catches 1909 and 1910), as published by the Government agents and in the report of the London fur sales, show conclusively that there has been no systematic killing of undersize fur seals—that probably none is under 2 years of age.

As you doubtless are aware, the largest seals of any given year may be, and frequently are, larger than seals born the year previous, so that there is an overlapping of sizes and weights.

I base the above statements on my own observations, on the reports of Mr. Judge and Mr. Lembkey, and on the statements published by Mr. Elliott in his report of 1873. I confess that I quote Mr. Elliott with some hesitancy, because, as I wrote the Hon. Mr. Sulzer, he does not know the difference between a 2-year-old and a 3-year-old seal. My reason for this statement is that subsequent to 1890 Mr. Elliott published a "field diagram," in which he includes certain seals marked "2-year-olds," or "nubiles." Two-year-old females do not occur on the rookeries and very few are on the islands in June. The bulk of them arrive in July and August after the rookery system has been broken up, as is well shown in photographs. The youngest seals in the harems are 3-year-olds.

I am, faithfully yours,

F. A. LUCAS.

HON. EDWARD W. TOWNSEND,  
*Committee on Foreign Affairs,  
House of Representatives,  
Washington, D. C.*

Lucas swears that the weight of the skin determines its size:

Mr. ELLIOTT. Yes: \* \* \* Now, Dr. Lucas, when you take the skin off of that yearling seal, and salt it down, how long is it?

Dr. LUCAS. I do not know. I have never measured a skin after salting.

Mr. ELLIOTT. You never measured it before salting, did you?

Dr. LUCAS. I never measured the skin before salting.

Mr. ELLIOTT. Neither before or after. Then how do you know that in the killing up there they are not killing yearling seals?

But cross-examination makes him admit that he does not know what the weights are:

(Hearing No. 14, pp. 948, 949, July 25, 1912.)

Mr. ELLIOTT. Never mind the female. Did you measure the skin and weigh it?

Dr. LUCAS. I did not.

Mr. ELLIOTT. Nowhere in your table is there a record of a "green" skin weight?

Dr. LUCAS. Not in my table. No.

Mr. ELLIOTT. And your record stands, of course.

Dr. LUCAS. This record as printed stands.

Mr. ELLIOTT. Yes; I find no fault with that record, either. It is exactly as I published it nearly 40 years before. Now, Dr. Lucas, when you take the skin off of that yearling seal, and salt it down, how long is it?

Dr. LUCAS. I do not know. I have never measured a skin after salting.

Mr. ELLIOTT. You never measured it before salting, did you?

Dr. LUCAS. I never measured the skin before salting.

Mr. ELLIOTT. Neither before or after. Then how do you know that in the killing up there they are not killing yearling seals?

Dr. LUCAS. By the weight of the skins.

Mr. ELLIOTT. How do you know that the weight determines the size?

Dr. LUCAS. The size determines the weight.

Mr. ELLIOTT. Does it?

Dr. LUCAS. The size determines the weight. (Hearing No. 12, pp. 725, 726, May 16, 1912.)

Proof instantly produced that it does not:

There are 134 skins thus listed above, every one of which is not to exceed 34½ inches long. If those small skins had all been properly skinned, no one of them would weigh more than 5 pounds green and three-fourths of them would not exceed 4½ pounds. Yet we find that they all have been so loaded with blubber, when fresh skinned, that with the exception of 18 skins, they are weighing as much and even more than properly skinned 2-year old seal pelts do, and many of them weigh into the 3 year-old class.

Dr. LUCAS. By the weight of the skins.

Mr. ELLIOTT. How do you know that the weight determines the size?

Dr. LUCAS. The size determines the weight.

Mr. ELLIOTT. Does it?

Dr. LUCAS. The size determines the weight. (Hearing No. 12, pp. 725, 726, May 16, 1912.)

The following was contributed by Dr. Lucas to the New York Times of February 23, 1912:

"THE FUR SEAL HERD.

"To the EDITOR OF THE NEW YORK TIMES:

"Since my name appears in your editorial article on the fur seal question, may I have space to state my opinions?

"Finally, the published figures of the London sales show conclusively that there has been no systematic killing of anything below the two-year olds, and not so very many of those. All reports to the contrary are absolutely false.

"It should also be stated that the terms 'pups,' 'small pups,' and 'extra small pups' are dealers' terms and have nothing whatever to do with the actual ages of the seals. Also, that sealskins weighed in London, after being salted and half-way dried, weigh less than they do when freshly taken from the seals, as they are weighed at the islands.

"F. A. LUCAS,

"Member of the Fur Seal Commission of 1896 and 1897;

"Member of the Advisory Board, Fur Seal Service."

Lucas says that Merriam and himself have some "exact knowledge":

AMERICAN MUSEUM OF  
NATURAL HISTORY.

New York, February 24, 1912.

DEAR SIR: Absence from the city has delayed my replying to your favor of February 21, which I am very glad to receive.

Let me say, first, that my exact knowledge in regard to the killing of seals under 2 years of age during the years 1909 and 1910 must, like that of others who did not see the actual killing, be based on the published statement of their weights. In addition, however, I have my own experience to aid in translating these weights. The advisory board recommended that no sealskins under 5 pounds in weight be taken, this being the average weight of a 2-year-old skin. The weight given by Elliott in 1875 was (see postscript)  $5\frac{1}{2}$  pounds, but this was based on an average of only 10 skins. There is a bare possibility that

As an instance of that falsification in those weights above listed, No. 4612 is 32 inches long and is so blubbered that it weighs 8 pounds  $4\frac{1}{4}$  ounces, and No. 4244 is also only 32 inches long—same size—yet, not blubbered, weighs but 4 pounds  $3\frac{1}{4}$  ounces.

These two small yearling skins show beyond dispute that no classification of these skins by weight can be sensibly or honestly made. (Report Agents H. Com. on Exp. Dept. Commerce, Aug. 31, 1913, p. 107.)

But Merriam swears that he has no knowledge whatever:

Mr. ELLIOTT. Doctor, while you were on the island did you ascertain the length and weight of a yearling seal?

Dr. MERRIAM. I did not.

Mr. ELLIOTT. Do you know anything about the length and the weight of a yearling sealskin?

Dr. MERRIAM. Nothing.

Mr. ELLIOTT. Did you make any measurements up there?

Dr. MERRIAM. I do not remember offhand. I examined a great many pup seals for sex.

Mr. ELLIOTT. You did not measure the yearlings, Doctor.

Dr. MERRIAM. I measured or at least weighed some of the seals, but I do not remember offhand.

Mr. ELLIOTT. Have you published any record of it.

Dr. MERRIAM. I think not.

these might be short 3-year-olds, but I will let the matter stand as stated. According to the observations of Dr. Merriam and myself, there is about 20 per cent variation from the average either way, so that some 2-year-old sealskins would weigh but 4 pounds and others would weigh 6 pounds.

Pardon me for troubling you with a number of explanatory details, but I wish above all things to make it clear that I am not speaking by hearsay, or making statements without foundation, but that I am writing of matters with which I have direct acquaintance.

Faithfully, yours,

F. A. LUCAS.

Hon. EDWARD W. TOWNSEND,  
Committee on the Library,  
House of Representatives.

(Hearing No. 14, pp. 947, 948, July 25, 1912.)

Lucas swears that he believes 5½ pounds is the "good average" of a 2-year-old skin.

Dr. LUCAS. In regard to the sizes and ages of killable seals, Dr. Evermann has pointed out in his admirable résumé that there is no law against the killing of male seals of any age. There have been regulations against it, but all I can say is that no yearlings have been systematically killed. I took Mr. Elliott's figures of 1873 as a good average. He cites the weight of 2-year-old skins as 5½ pounds. I agree with him there. I think that is a good average. I might say that I have not weighed any sealskins myself. (Hearing No. 12, p. 708, May 16, 1912.)

Lucas records the appearance of 2-year-old cows, or nubles, on the breeding grounds at the height of the breeding season July 14-20, 1897:

JULY 14, 1897.

I made a count of Ardiguén this morning with Mr. Macoun. \* \* \*

Three or four bulls with 2-year-old cows were seen on Zapadine this afternoon.

(F. A. LUCAS.)

JULY 20, 1897.

There is nothing in the condition of the harems to warrant the supposition that the 3-year-old cows are the cause of the height of the season on the rookeries. It is evident also that the 2-year-olds are already

Mr. ELLIOTT. No, and therefore you made no record that we could get hold of to-day?

Dr. MERRIAM. I doubt if I measured any of the 2-year-old seals.

Mr. ELLIOTT. I have never been able to find it. Therefore, you have no record of the length and weight of a yearling seal?

Dr. MERRIAM. I think I have none. I think I have weights and measurements of pups, but not of yearling seals. (Hearing No. 11, p. 699, May 4, 1912.)

But Lucas recommends, November 23, 1909, a lower weight, 5 pounds, for a 2-year-old skin.

Mr. PATTON. These recommendations were made to your bureau?

Mr. BOWERS. Yes.

Mr. PATTON. And were not made by you at all?

Mr. BOWERS. No, sir.

Mr. PATTON. But were made by this advisory board?

Mr. BOWERS. Yes, sir. [Reading:]

"It is recommended that, for the present, no fur-seal skin weighing more than 8½ pounds or less than 5 pounds shall be taken, and that not more than 95 per cent of the 3-year-old male seals be killed in any one year." (Hearing No. 2, p. 111, June 9, 1911.)

Lucas denies the appearance of 2-year-old cows, or nubles, on the breeding grounds at the time of breeding 3 and 4 year olds are there. They are not there at the breeding season, in July:

AMERICAN MUSEUM OF  
NATURAL HISTORY,  
New York, February 18, 1912.

DEAR SIR: Noticing your remark on page 2168 of the Congressional Record for February 14, I take the liberty of saying that as to the question of 2-year-old females not occurring on the rookeries, I may say that the yearlings and the 2-year-olds come to the islands late. Pardon me for saying that this statement of mine is borne out by the observations of all naturalists who have been on the Pribilof Islands.

present in considerable numbers. It seems more likely that the advent of these classes of seals depends upon their ages, the earlier coming into heat earlier as 2-year olds, and bearing their pups earlier as 3-year-olds.

(F. A. LUCAS AND GEO. A. CLARK.)

(Fur Seal Investigations, part 2, 1898, pp. 557, 566.)

I confess that I quote Mr. Elliott with some hesitancy, because, as I wrote the honorable Mr. Sulzer, he does not know the difference between a 2-year-old and a 3-year-old seal. My reason for this statement is that subsequent to 1890 Mr. Elliott published a "field diagram," in which he includes certain seals marked "2-year-olds," or "nubiles." Two-year-old females do not occur on the rookeries and very few are on the islands in June. The bulk of them arrive in July and August after the rookery system has been broken up, as is well shown in photographs. The youngest seals in the harems are 3-year-olds.

I am, faithfully yours,

F. A. LUCAS.

HON. EDWARD W. TOWNSEND,  
*Committee on Foreign Affairs,*  
*House of Representatives,*  
*Washington, D. C.*

[NOTE.—This letter confessing the strange "scientific" ignorance of the writer of the fact that those nubiles do appear on the breeding rookeries when the breeding season is not broken up, and only appear then, is a sad revelation of nonsense on the part of Lucas as an investigator. No breeding of any kind takes place after that date or before, viz, July 4-25 annually, to any noteworthy extent; none whatever after August 1.—H. W. E.]

Lucas<sup>1</sup> says that the virgin or 2-year-old cows do not come on the breeding rookeries.

AMERICAN MUSEUM OF  
NATURAL HISTORY,  
*New York, February 18, 1912.*

DEAR SIR: Noticing your remark on page 2168 of the Congressional Record for February 14, I take the liberty of saying that the weights of the sealskins (catches 1909 and 1910), as published by the Gov-

OFFICIAL JOURNAL OF THE GOVERNMENT  
AGENT'S OFFICE.

ST. PAUL ISLAND, ALASKA,  
*Friday, July 31, 1896.*

Dr. Jordan found two 2-year-old virgin seal cows on the Reef Rookery, which he killed for scientific research.

<sup>1</sup> Dr. Evermann. Dr. David Starr Jordan. His associate, whose name I am now reading: "Dr. F. A. Lucas, director of the American Museum of Natural History, New York City, member of the fur-seal commissions of 1896 and 1897, when he spent about four months on the Seal Islands, devoting the entire time to a study of the rookeries and hauling grounds. Dr. Lucas is one of the keenest and most conservative of American zoologists."

<sup>1</sup> Dr. Evermann (reading): "Dr. David Starr Jordan, president of Stanford University, chairman of the fur-seal commissions of 1896 and 1897, and who, in company with his associates, spent the seasons of those two years on our Seal Islands and on the Russian islands, visiting every rookery and every hauling ground and studying the fur seal from every important point of view. Besides spending several months actually on the islands, he spent many more months in collating and studying the data resulting from his own observations and those of his associates and in a study of the literature of the subject.

"Mr. George A. Clark, of Stanford University, secretary to the fur-seal commissions of 1896 and 1897 and special investigator on the Seal Islands during the entire season of 1909. Mr. Clark has had a wider experience in enumerating the seal herd than any other man and is one of the most careful observers who has ever visited the Seal Islands."

ernment agents and in the report of the London fur sales, show conclusively that there has been no systematic killing of undersize fur seals—that probably none is under 2 years of age.

As you doubtless are aware, the largest seals of any given year may be, and frequently are, larger than seals born the year previous, so that there is an overlapping of sizes and weights.

I base the above statements on my own observations, on the reports of Mr. Judge and Mr. Lembkey, and on the statements published by Mr. Elliott in his report of 1873. I confess that I quote Mr. Elliott with some hesitancy, because, as I wrote the honorable Mr. Sulzer, he does not know the difference between a 2-year-old and a 3-year-old seal. My reason for this statement is that subsequent to 1890 Mr. Elliott published a "field diagram," in which he includes certain seals marked "2-year-olds," or "nubiles." Two-year-old females do not occur on the rookeries and very few are on the islands in June. The bulk of them arrive in July and August after the rookery system has been broken up, as is well shown in photographs. The youngest seals in the harems are 3-year-olds.

I am, faithfully, yours,

F. A. LUCAS.

Hon. EDWARD W. TOWNSEND,  
*Committee on Foreign Affairs,*  
*House of Representatives,*  
*Washington, D. C.*

[NOTE.—This letter confessing the strange "scientific" ignorance of the writer of the fact that those nubiles do appear on the breeding rookeries when the breeding season is not broken up, and only appear then, is a sad revelation of nonsense on the part of Lucas as an investigator. No breeding of any kind takes place after that date or before, viz, July 4-25 annually, to any noteworthy extent; none whatever after August 1.—H. W. E.]

(Hearing No. 14, pp. 948, 949, July 25, 1912.)

ST. PAUL ISLAND,  
July 14, 1912.

GORBATCH:

There are six little virgin cows in the two large harems under Rock 12.

(U. S. typed notes of Geo. A. Clark, p. 256.)

Lucas says that the 2-year-old cows do not come out on the rookeries:

AMERICAN MUSEUM  
OF NATURAL HISTORY,  
*New York, February 24, 1912.*

DEAR SIR: Absence from the city has delayed my replying to your favor of February 21, which I am very glad to receive.

Let me say, first, that my exact knowledge in regard to the killing of seals under 2 years of age during the years 1909 and 1910 must, like that of others who did not see the actual killing, be based on the published statement of their weights.

As to the question of 2-year-old females not occurring on the rookeries, I may say that the yearlings and the 2-year-olds come to the islands late. Pardon me for saying that this statement of mine is borne out by the observations of all naturalists who have been on the Pribilof Islands. My report on the Breeding Habits of the Pribilof Fur Seal was based on the observations of our entire party during the two seasons there, and are supported by the English naturalists D'Arcy W. Thompson and G. E. H. Barrett Hamilton. We found, as I have stated, that the 2-year-old female seals are not in the rookeries; that the majority of them appear on the islands after the 1st of August, and that very few are there before the middle of July. This was one of the distinct additions that we were able to make to the natural history of the fur seal, and it helped out in a matter of which Mr. Elliott, as stated in his 1873 report, was confessedly ignorant.

If you would be good enough to read the little items on pages 44, 47, and 53 of my report on the Breeding Habits of the Pribilof Fur Seals, I will be much obliged, and I trust that you will kindly take the necessary time to do so. I sent Mr. Flood my last available copy of this report, but it is included in part 3, Report of the Fur Seal Investigations for 1896 and 1897, which it will be easy for you to have brought to you. My other copies are packed away in boxes, but if I can unearth one I shall be most happy to do so.

Pardon me for troubling you with a number of explanatory details, but I wish above all things to make it clear that I am not speaking by hearsay, or making statements without foundation, but that I am writing of matters with which I have a direct acquaintance.

Faithfully, yours,

F. A. LUCAS.

Hon. EDWARD W. TOWNSEND,  
*Committee on the Library,  
House of Representatives.*

(Hearing No. 14, pp. 947, 948, July 25, 1912.)

*But Jordan finds them there just where Elliott said they were in 1872-1890.<sup>1</sup>*

OFFICIAL JOURNAL OF THE GOVERNMENT  
AGENT'S OFFICE.

ST. PAULS ISLAND, ALASKA,  
*Saturday, August 1, 1896.*

Dr. Jordan assisted by the natives drove up three small harems from Garbotch Rookery, and upon investigation found that there were a number of 2-year-old virgin cows among them.

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<sup>1</sup> It must be borne in mind that perhaps ten or twelve per cent of the entire number of breeding females were yearlings last season, and come up onto these breeding grounds now as virgins, for the first time during this season—as two-year-old cows. They, of course, bear no young. (Monograph of the Seal Islands, 1872-82; Elliott, p. 50. Spl. Bulletin 176: U. S. Fish Commission, 1882.)

Lucas says that if the seals are not killed down as young males they will grow up to "destroy the mothers and pups."

The following was contributed by Dr. Lucas to the New York Times of February 23, 1912:

"THE FUR SEAL HERD.

"To the EDITOR OF THE NEW YORK TIMES:

"Since my name appears in your editorial article on the fur seal question, may I have space to state my opinions? My attitude in regard to the 'trampled pup' question and the damage done by unnecessary males has been conservative, as you will see by the following quotations from my report of 1898 on the 'Causes of Mortality Among Seals,' based on observations of 1896 and 1897:

"'Rough handling by the males may be set down as the most evident known cause of death among the females, and the greater the proportion of bulls the greater the number of deaths, so that in a state of nature the superabundance of bulls must probably be an important factor, if not the chief factor, in checking the increase of the fur seals. As the proportion of the sexes at birth is equal, and as at least 30 males are born where one is needed, there must in olden times have been a prodigious amount of fighting and a mighty turmoil on the breeding grounds, with a consequent destruction of mothers and pups. There were 42 dead cows on Reef rookery in 1897, and if there was such a visible loss with only a moderate surplus of males what must have taken place before any males were killed by man? It is evident that if many cows are killed outright, many more must be badly injured and eventually die, an inference made in discussing the mortality among the pups, where it was suggested that the loss of these injured females at sea probably accounted for much of the early starvation of the young.' " (P. 91.)

(Hearing No. 10, p. 600, Apr. 20, 1912.)

The "science" of Dr. Lucas:

Mr. MCGILLICUDDY. What is your estimate as to the required number of males to a specified number of females?

Dr. LUCAS. May I refer to my report? I went into the matter very carefully in this. We found that the average number of seals in a harem in 1896 and 1897 was about 35. That was at a time when the number of surplus bulls was very large. There was a very large number of useless bulls who could get no cows, who had been crowded out. Thirty-five was the minimum average for a harem, and 50 or 60 would be what might be called a good

But his associate, Lembkey, in whom he has "perfect faith," declares that if not so killed, they "will increase again to between four and five millions."

Mr. LEMBKEY. In 1890 conservative estimates placed the number on the Pribilof Islands between four and five millions. To-day there are probably not over 180,000 in the entire herd.

Mr. WILLIAMS (of Mississippi). At the end of 18 or 19 years, if no killing at all, you think they would go back to between four and five millions?

Mr. LEMBKEY. I have no doubt they would. (Hearing on Fur Seals, Ways and Means Committee, Jan. 25, 1907; p. 66, notes; M.S. typed.)

Mr. LEMBKEY. \* \* \* So, that shows that in 15 years this (Robbens Reef) herd had rehabilitated itself, and I suppose that if the Pribilof herd were left alone, immune from land killing as well as sea killing, it would do the same thing. (Hearing on Fur Seals, Ways and Means Committee, Jan. 25, 1907, House of Representatives; p. 62, notes M.S. typed.)

Its error exposed:

Mr. ELLIOTT. This assumption by Jordan, Lucas, and the rest of that "science" crowd in the Bureau of Fisheries that the breeding of that seal life is precisely as so many cattle, sheep, or horses—that only a very small per cent of the male life is needed, is simply baseless—the difference is wide, and those "scientists" lack common sense in not observing it.

Cattle, sheep, and horses breed during every month of the year; fur seals breed during only 1 month of the year, and mostly in only 10 or 15 days of that month, from July 10 to 20, annually.



working proportion. So long as the harems do not on the average exceed this there is no reason to suppose that the number of bulls is too small. One bull to 50 or 60 cows is not too high an average, but in 1896 and 1897 there was 1 bull on the average to every 35 cows. There was in one case over 100, but the bull could not hold them, and a good many got away. Some of the harems also were very small. I checked that off a little by getting the opinion of breeders as to what might be the relative number under control of the animals. One estimate is that 1 ram is sufficient for 50 ewes and that 1 bull is sufficient for 25 cattle. When running at large 1 stallion is sufficient for 20 to 40 mares, but when under control the number may be much larger, well on toward 100. And that is in a state of domestication where polygamy is artificial. Here we have polygamy brought about by natural conditions and where there is no danger of overestimating the number of females to males. (Hearing No. 12, p. 709, May 16, 1912, H. Com. Exp. Dept. C. and L.)

Lucas swears that he did not advise Osborn to write a foolish letter:

Mr. ELLIOTT. That is right? The other gentleman, Mr. Townsend, does. Did you inspire the letter which Henry Fairfield Osborn, president of the American Museum of Natural History, wrote to Chairman William Sulzer?

Dr. LUCAS. I did not. Kindly note, Mr. Elliott asked if I inspired that letter.

The CHAIRMAN. Do you know anything about it?

Dr. LUCAS. Only after it was written.

The CHAIRMAN. Were you in consultation about it with anyone?

Dr. LUCAS. No; my advice was not asked.

How long would a herd of cattle hold its numbers if all the breeding was put into only 10 days of every year—from July 10 to 20—and only 1 bull living to serve 100 cows? What would 1 ram do with 100 ewes? What would a stallion do with 100 mares? What, if only half that number to serve?

Why that service would fail; and at the best, would be feeble to impotent after a short day or two of demand. (H. W. Elliott to Secretary Redfield, May 4, 1913, Dept. of Commerce Bldg.)

But Osborn says Lucas gave him the advice upon which the foolish letter rests:

Mr. ELLIOTT (reading):

"THE AMERICAN MUSEUM OF  
"NATURAL HISTORY,  
"OFFICE OF THE PRESIDENT,  
"New York, January 22, 1912.

"DEAR SIR: As president of the American Museum of Natural History, I have been securing the advice of the expert zoologists of this institution, especially of Dr. Frederic A. Lucas, who is a trained authority on the fur-seal question. I desire to protest against the proposed amendment to the fur-seal bill (drafted by the State Department), which amendment provides a 15-year closed season on male seals. This amendment, should it become law, would exterminate the great seal herd of the United States, and is founded upon ignorance of the first principles of breeding under natural conditions and of the artificial conditions which have been brought about on the islands through prolonged and fateful pelagic sealing.

"I am, very respectfully,

"HENRY FAIRFIELD OSBORN,  
"President.

"Hon. WILLIAM SULZER,  
"Chairman House Committee on  
Foreign Affairs, House of Rep-  
resentatives, Washington, D. C.

"I am strongly in favor of the bill itself."

Lucas claims that he first discovered the hookworm cause of pup's death.

Mr. ELLIOTT. Isn't it true, Doctor, that it was through C. W. Stiles that the hookworm was discovered?

Dr. LUCAS. No.

Mr. ELLIOTT. Didn't he first call your attention to that?

Dr. LUCAS. No; I called his attention to it. (Hearing No. 12, p. 720, May 16, 1912.)

Now, how did he get the idea that they would be exterminated after he had conferred with your scientific acumen?

Dr. LUCAS. Men may confer, you know, and do something entirely different.

Mr. ELLIOTT. How did he get that impression, if not from you?

Dr. LUCAS. I do not know. You will find all my publications entirely different from that.

Mr. ELLIOTT. So you will not be responsible for what Dr. Osborn says?

Dr. LUCAS. Not in this case; certainly not.

But, pinned down, he admits that Stiles had told him first.

Dr. LUCAS. \* \* \* Mr. Chairman may I make a statement right here?

The CHAIRMAN. Yes.

Dr. LUCAS. This will be the best answer I can possibly make. In 1896, as you may remember, I stated we penned up a pup and allowed it to die; to starve to death. I took it with me to St. George Island and let it lie out there overnight and dissected it, noting carefully the condition of the organs, so that we could say what were the conditions of the organs after starvation. In examining this pup I found two or three small worms in the intestines. Now, to find worms in the intestines of a young animal struck me as a very curious circumstance, so I preserved them carefully and submitted them to Dr. Stiles. In 1897, before I went up on the islands, Dr. Stiles brought these to me and said that they were *Uncinaria*, a very dangerous parasite, and under suitable conditions it might be the source of a great death rate among the young seals. Acting on the advice of Dr. Stiles I looked very carefully for this worm and found it. I have a record of the first pup actually found to have died from *Uncinaria*.

Mr. ELLIOTT. So Dr. Stiles really did advise you of the direct cause of death of these seals?

Dr. LUCAS. No; he said it was possible.

Mr. ELLIOTT. And then you found it to be true?

Dr. LUCAS. Yes.

Mr. ELLIOTT. So Dr. Stiles deserves the credit for having found it?

Dr. LUCAS. He deserves the credit for having made a prediction that came true. (Hearing No. 12, p. 721, May 16, 1912.)

Lucas swears pups starve because bulls kill their mothers.

Mr. McGUIRE. Now, Doctor, you speak of a certain mortality on account of the starving of the young. This starvation may be caused by the loss of the mother cow having been killed by the males. That is one cause?

Dr. LUCAS. Yes. (Hearing No. 12, p. 711, May 16, 1912.)

Lucas tries to deny his "discovery" of the "fact" that the fur seal naturally tramples its own young to death.

The CHAIRMAN. About how many days?

Dr. LUCAS. About 50 days in 1896, allowing about 9 days' time spent at sea going to and from one island to another.

Mr. ELLIOTT. In 1897 how many days were you on the islands?

Dr. LUCAS. About 42 days.

Mr. ELLIOTT. On the Islands?

Dr. LUCAS. That is about the number. I have the exact data right here.

Mr. ELLIOTT. Now, Dr. Lucas, did you see up there a pup trampled to death by a bull?

Dr. LUCAS. No.

Mr. ELLIOTT. Did you, in 1897, exhibit a series of trampled pups to the biological society here in Washington and say that 11,000 had been trampled to death by bulls?

Dr. LUCAS. I did not.

Mr. ELLIOTT. Did you not address the society on January 4, 1897, on the subject of trampled pups?

Dr. LUCAS. I did not.

Mr. ELLIOTT. Didn't you exhibit a series of pups in alcohol?

Dr. LUCAS. I did not.

Mr. ELLIOTT. Didn't you call attention to the state of these 11,000 pups, which you stated on the platform during the

Elliott swears that Lucas never saw a bull kill a cow, that Lucas fakes the statement.

Mr. ELLIOTT. Right on that point, Mr. Chairman, not one of these scientists—Dr. Jordan, George A. Clark, Merriam, Stejneger, Lucas, or Townsend—have published a line in their reports upon that life in which they describe the "fighting of bulls so as to tear the cows to pieces and trample their pups to death." Now, their sole argument to-day, that they brought over to the Senate, is that if we let these young seals grow up in a closed season they will go to fighting and will "tear the cows to pieces and trample the pups to death." It is a fake story; it is contrary to the natural law that governs them; and I am not going to quietly sit here and let it even be hinted at that I am an "enemy" of the fur seals because I believe in the natural laws of their wild life governing them being freed from the checks put upon them by half-baked naturalists. (Hearing No. 14, pp. 954, 955, July 30, 1912.)

But his memory is refreshed, and he does recall it.

Mr. ELLIOTT. What did you talk about?

Dr. LUCAS. Causes of mortality among seal pups.

Mr. ELLIOTT. Didn't you say it was due to trampling?

Dr. LUCAS. No.

Mr. ELLIOTT. The record of your report of 1896 denies it.

Dr. LUCAS. Find it.

Mr. ELLIOTT. The preliminary report of 1896—"Cause of destruction of pups is chiefly due to trampling by males." You signed that with Dr. Jordan, didn't you?

Dr. LUCAS. I think I did not sign that report. That report was made by Dr. Jordan.

Mr. ELLIOTT. Would there be a report by Dr. Jordan or any other member of the board that is not sent to you to sign?

Dr. LUCAS. Yes. Dr. Jordan, as head of the commission, took the combined reports of the various members of the commission and drew up the preliminary report.

Mr. ELLIOTT. You are associated with him in that preliminary report of 1896, aren't you? You don't deny it, do you?

Dr. LUCAS. Deny what?

Mr. ELLIOTT. The association and quotation by Dr. Jordan of you?

course of your remarks had been trampled to death?

Dr. LUCAS. I did not.

Mr. ELLIOTT. After you had read your paper on this subject of trampled pups, didn't Dr. Merriam rise and say he agreed with you?

Dr. LUCAS. I do not recall. I do not have the minutes of that meeting.

Mr. ELLIOTT. Then didn't Mr. C. H. Townsend rise and say that some of the things he had missed, but he agreed with you?

Dr. LUCAS. I recall the meeting.

Mr. ELLIOTT. It is coming back to you now. Didn't Mr. True—this was January 4, 1897, at Cosmos Hall—didn't Mr. True arise and say that he had failed to notice these trampled pups?

Dr. LUCAS. I do not know.

Mr. ELLIOTT. Didn't Dr. Stejneger also rise and say that he was considerably embarrassed but that he had no reason to doubt your discovery of trampled pups?

Dr. LUCAS. Dr. Stejneger remarked that he doubted it.

Mr. ELLIOTT. Now, it is coming back to you that you did address them on the subject of trampled pups?

Dr. LUCAS. No; causes of mortality among seal pups.

Mr. ELLIOTT. Is that in answer to my question?

Dr. LUCAS. It is. (Hearing No. 12, p. 719, May 16, 1912.)

Lucas, "scientist," would not stop killing, "for the good of the herd."

Mr. McGUIRE. Assuming that pelagic sealing has been stopped, would you suspend killing on the islands?

Dr. LUCAS. No, sir.

Mr. McGUIRE. What would you do?

Dr. LUCAS. I should recommend, as I think I have done elsewhere, that the first year a less number of seals be taken than has been taken, in order to provide sufficient males for the females spared by pelagic sealing. If we killed 12,000 seals last year, I would say, do not kill but 10,000 this year, to make sure of having a sufficient amount. I believe in taking no chances and leaving no loophole for criticism. That would be of course a precautionary measure.

The cessation of killing on land would release an undue number of males that would do no good, that would simply disturb the rookeries and be a dead loss commercially. (Hearing No. 12, pp. 712, 713, May 16, 1912.)

Dr. LUCAS. I didn't know that he quoted me. I haven't that document by me. Have you the document?

Mr. ELLIOTT. I don't need it. You don't deny its existence, do you?

Dr. LUCAS. I know there is such a report.

Mr. ELLIOTT. You know there is a report of some 46 pages with your name associated with Dr. Jordan as one of the distinguished scientists who had made this close study of the seals that summer. Now, in 1897, you discovered those pups were not trampled to death, didn't you?

Dr. LUCAS. The greater part of them. Yes; we revised our causes of the previous year.

Mr. ELLIOTT. Who revised them?

Dr. LUCAS. I did most of it, because I was the one on whom devolved this report on the causes of mortality. (Hearing No. 12, p. 720, May 16, 1912.)

Liebes, lessee, would not stop killing, "for the good of the herd."

The CHAIRMAN. Have you any idea or general knowledge of about how many seals there are in the herd now?

Mr. LIEBES. No, sir; I have no knowledge.

The CHAIRMAN. The business is almost destroyed, is it not, Mr. Liebes?

Mr. LIEBES. Well, not necessarily so. If they are allowed to recuperate, they will be all right. They will be able to take seals each year, and I certainly think that is the only way to do. This idea of shutting down for a number of years is unnecessary and absolute rot. You have got to run your seal herd like you would run a stock range; it has got to be left to people who understand the business, and in the discretion of the officers in charge, men of ability, if you have confidence in them, and from what I have seen of the Department of Fisheries they certainly have the ability, and the people around the islands certainly understand their business. They are good, conscientious people. If such people run the thing and take the surplus males each year, it will be all right. It is absolutely essential that it should be run like a stock farm is run.

Lucas says that he did not advise a renewal of the lease.

The CHAIRMAN. Would you have considered it would be better to lease the islands for another 20-year term?

Dr. LUCAS. No, I would not, Mr. Chairman. The part in regard to re-leasing it I should deem objectionable, as you will see by the resolution adopted by the advisory board at its meeting.

The CHAIRMAN. I wish that resolution could be produced.

Dr. LUCAS. It is in the record.

Mr. PATTON. In the doctor's evidence before he said that he believed it would be better for the Government to have control, and control the killing there under the present system.

Mr. ELLIOTT. The Government has always had perfect control over the killing on those islands since 1870.

Mr. PATTON. The Government does the killing itself, where it was done by leasing companies before.

Mr. ELLIOTT. This letter says they don't want it done.

Mr. McGUIRE. I don't so understand it, but the letter is the best evidence.

The CHAIRMAN. The letter will speak for itself. (Hearing No. 12, p. 725, May 16, 1912.)

The CHAIRMAN. Do you think male seals should be killed that are less than 2 years old?

Mr. LIEBES. I do not think there is any rule about it at all; it is a question of running it right. (Hearing No. 13, pp. 877, 878, June 20, 1912.)

But the Bureau of Fisheries officially quotes him as recommending a renewal of the lease.

Mr. ELLIOTT. On page 157, Hearing No. 3, July 6, 1911, is a letter from the Bureau of Fisheries dated December 16, 1909, signed by Barton W. Evermann. It urges Fish Commissioner Bowers to send agents to New York and educate certain people and induce them to agree to the bureau's idea of renewing the lease of the seal islands and preventing any cessation of the killing thereon. Now, in this letter, which I will put into the hearing today as Exhibit No. 6, appears the following statement:

DEPARTMENT OF  
COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
*Washington, December 16, 1909.*

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club of New York had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for publications of the fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with, with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

(Hearing No. 12, p. 724, May 16, 1912.)

Lucas admits that he did want a new lease made on the Russian plan.

Dr. LUCAS. The cessation of killing on land would release an undue number of males that would do no good, that would simply disturb the rookeries and be a dead loss commercially. Government control has always seemed to us the best method, as it has proven on the Russian islands, where the Government has the absolute power to fix the number and make a closed season at any time it wishes.

This recommendation was unanimously agreed to by the advisory board, fur-seal service (Dr. David Starr Jordan, chairman; Dr. Leonard Stejneger, Dr. Frederic A. Lucas, Mr. Edwin W. Sims, Dr. Charles H. Townsend), the fur-seal board (Dr. Barton Warren Evermann, chairman; Mr. Walter I. Lembkey, and Mr. Millard C. Marsh), the Commissioner of Fisheries (Hon. George M. Bowers), the Deputy Commissioner of Fisheries (Dr. Hugh M. Smith), assistant fur-seal agent (H. D. Chichester), and special scientific expert (Mr. George A. Clark). (Hearing No. 12, p. 713, May 16, 1912.)

But Elliott shows the committee that such a lease adds to gain of lessees at public cost and loss.

Mr. ELLIOTT. That will not be necessary; I will just pass on. The terms of this lease, which he proposed, increased the profits of the lessee and added to the cost of the Government.

The lessees are relieved of the present cost to them of a great many things—schools, doctors—their entire plant is purchased; they pay no more taxes; all costs are taken from them; and yet they are to get all of the skins taken for the same cost that they did in the old lease.

Dr. EVERMANN. That is not correct.

The CHAIRMAN. The lease will speak for itself.

Mr. ELLIOTT. The lease speaks to that effect, because there has never been an hour since the islands have been leased that the Government has not had absolute control over the lessees and the killing. All this twaddle about the "Government getting control of the killing" is mere dust and verbiage; there has never been an hour since the first lease was made in 1870 when an officer of the Government up there has not had the power to stop the killing down to a single seal, and hold it there—what more power could you have under any "new lease," or any such condition? I exercised that power in 1890, and no man dare dispute it and does not dispute it to this day.

The CHAIRMAN. Why can it not be disputed?

Mr. ELLIOTT. Because no man has set aside my findings of fact that summer; they were stopped; and nobody since has attempted to interfere with it, and no Secretary of the Treasury has ever said I did wrong. Over at Paris, in 1893, our agents said to the tribunal that my action in 1890 was a good thing, and they paraded there with great satisfaction the fact that our Government had stopped this slaughter on the islands to save that life, and they wanted Great Britain to intervene to stop it in the sea on their side. (Hearing No. 14, p. 993, July 29, 1912.)

## VI.

*The sworn statements of W. I. Lembkey, chief special agent, in charge of the seal islands of Alaska, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and to the House Committee on Expenditures in the Department of Commerce and Labor, July 9, 1911, by Secretary Charles Nagel as his authority for killing seals in violation of law and regulations, to wit:*

Mr. CABLE. Give the names of the members of the advisory board.

Mr. BOWERS. The members of the fur-seal board and of the advisory board, fur-seal service, are as follows:

FUR-SEAL BOARD,  
BUREAU OF FISHERIES.

In the Bureau of Fisheries, general matters regarding the fur seals are considered by a fur-seal board, consisting of the following:

Dr. Barton Warren Evermann (chairman), who is chief of the Alaska Fisheries Service and who has been in Alaska a number of times. He was a member of the fur-seal commission of 1892, when he spent six months in the North Pacific and Bering Sea and on the seal islands studying the fur seal.

Mr. Walter I. Lembkey, who has been in immediate charge of the seal islands for many years; appointed March 22, 1899. (Hearing No. 2, p. 109, June 9, 1911.)

THE DEADLY PARALLEL.

Lembkey swears that he does not kill yearling seals.

But Clark, special investigating expert, reports that yearlings are killed—"no seal too small" for killing.

COMMITTEE ON EXPENDITURES  
IN THE DEPARTMENT OF  
COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
*Washington, Thursday, February 29, 1912.*

The committee met at 11 o'clock a. m.,  
Hon. John H. Rothermel (chairman)  
presiding.

TESTIMONY OF WALTER I. LEMBKEY, AGENT  
ALASKA SEAL FISHERIES, BUREAU OF  
FISHERIES, DEPARTMENT OF COMMERCE  
AND LABOR.

Mr. LEMBKEY. Our killing is confined to 2 and 3 year old males exclusively. The seals which they desire to kill are dispatched at once by means of a blow on the top of the head with a heavy club, and the seal struck is rendered unconscious immediately, if not killed outright. (Hearing No. 9, p. 360, Feb. 29, 1912, H. Com. Exp. Dept. Com. and Labor.)

*July 23.*—Attended the killing at Northeast Point and looked over the rookeries again after the drive. There are 5 harems to-day on the west side of Sea Lion Neck, where only 3 were found on the 14th.

A killing was made at Halfway Point as usual on the return trip. It yielded 32 skins. Fifteen animals—young bulls—too large for killing and 9 shaved heads were exempted, but no small seals whatever. As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than 5 pounds weight are taken and also skins of 8 and 9 pounds. These latter are plainly animals which escaped the killing of last year because their heads were shaved. Otherwise it does not seem clear how they did escape.

*July 31.*—This is the last day of sealing, and preparations are being made to drive every rookery. The killing from Reef and Gorbach yields 660 skins. This represents 76 per cent of the animals driven. One hundred and ten seals are obtained from Lukanin and Kitovi. No small seals are rejected in this drive; 21 small ones are left from the Reef drive. Nineteen skins are obtained at Halfway Point. The drive at Northeast Point gives 330 skins; 15 small ones only are exempted. Zapadni, redriven to-day, gives 41 additional skins taken. Three small ones are released. At the drive yesterday from this rookery 39 small



animals were released. Most of these are probably included in the killing to-day. Gorbatch is driven a second time to-day and 62 skins taken.

This is certainly whirlwind sealing and an effective clean-up of the hauling grounds. If the Alaska Commercial Co. cleaned up the hauling grounds without reference to the new lessees in the season of 1889, the North American Commercial Co. has in like manner cleaned up the hauling grounds without reference to the lessees of next year.

The total of to-day's killing on St. Paul is 1,222 skins. (Report G. A. Clark to Secretary Nagel, Sept. 30, 1909, pp. 887, 888, 892, 893; Appendix A, June 24, 1911. H. Com. Exp. Dept. Com. and Labor.)

Lembkey swears that he does not kill yearling seals.

But Special Agent Clark reports that Lembkey has killed and kills yearling seals.

COMMITTEE ON EXPENDITURES  
IN THE DEPARTMENT OF  
COMMERCE AND LABOR,  
HOUSE OF REPRESENTATIVES,  
*Washington, Thursday, February 29, 1912.*

The committee met at 11 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

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Mr. LEMBKEY. Our killing is confined to 2 and 3 year old males exclusively. The seals which they desire to kill are dispatched at once by means of a blow on the top of the head with a heavy club, and the seal struck is rendered unconscious immediately, if not killed outright. (Hearing No. 9, p. 360, Feb. 29, 1912.)

The yearlings of both sexes for the season must number about 12,000 each.

This question of the proportion of the sexes surviving to killable and breeding age is a fundamental one. It could be settled in a very few seasons by such regulation of killing for the quota as would limit it to animals of 3 years of age and over, leaving the 2-year-olds untouched. The quota would then fall where it belongs, on the 3-year-olds, and give a close approximation of the survivals among the young males, which in turn could be applied to the young females. This was the method used in 1896-97, when a minimum of 6 pounds in weight of skins prevailed. During the present season and for some seasons past a minimum of 5 pounds has been in force, the skins taken ranging in weight all the way from 4 to 14½ pounds, bringing all classes of animals from yearlings to 4-year-olds into the quota.

The result of this manner of killing is that we have no clear idea from the quota of the number of younger animals belonging to the herd. From the irregularity of the movements of the yearlings of both sexes and the 2-year-old cows, they can not be counted or otherwise accurately estimated on the rookeries.

GEORGE ARCHIBALD CLARK,  
*Assistant in Charge of  
Fur-Seal Investigation.*

STANFORD UNIVERSITY,  
*September 30, 1909.*

(Appendix A, pp. 850, 851, June 24, 1911.)

Lembkey swears that every step is taken to guard the female seals from killing.

Mr. LEMBKEY. Females on land are protected by every effort of human ingenuity that can be devised compatible with the taking of the skins of the surplus young males, and the committee can be assured first that the number killed in the past is negligible and that none ever have been or will be killed deliberately.

In treating of the subject of the killing of females, I have suppressed no fact that would aid the committee in forming its conclusions regarding the number of these animals killed. After hearing this evidence I am sure that the committee will conclude that, in regard to the accidental killing of an occasional female, in spite of the greatest care exercised, no charge of malfeasance will lie. When we consider the fact, also, that thousands of these females were killed annually by pelagic sealers in the sea, it can be seen that the accidental and unavoidable killing on land of a half dozen females annually could have, to say the least, no bearing upon the future of the herd. (Hearing No. 9, p. 381, Mar. 1, 1912, H. Com. Ex. Dept. Com. and L.)

Lembkey compelled to admit that he does not know whether female skins are taken, or not; no penalty for killing them inflicted.

Mr. McLEAN. After the skins are removed, can you distinguish between a male and female 2-year-old?

Mr. LEMBKEY. Yes, sir; at once. Oh, I beg pardon—2-year-olds?

Q. After the skin is removed from the animal?—A. If you would look at the carcass of a 2-year old you could not distinguish it readily, but the man skinning the seal recognizes it the moment he takes it into his hand to skin it. Of course he examines the organs and matters of that kind.

Q. But the animal is then dead?—A. The animal is then dead.

Q. What I asked you was this—after the skin is removed from the animal, by the inspection of the skin itself could you distinguish between a male or a female 2-year old.—A. You could by looking at the teats of the animal.

Q. And are they developed on a 2-year-old female?—A. I don't know that they are. You could find them there possibly. I don't know whether they are developed or not; I never examined a skin to find out.

The CHAIRMAN. How positive can you be, then, Mr. Lembkey, that no females are killed?

Mr. LEMBKEY. The reason upon which I base that positive statement that no females are killed is this: Stringent orders are given to all the skimmers to report at once any female knocked down in the drives. They are ordered to report it to the agent in charge of the killing and in charge of the men.

Mr. McLEAN. Is there a penalty then inflicted upon the killer for killing the female and when he reports it?

Mr. LEMBKEY. No; because the killing gang consists of six persons, we will say, and it is impossible to tell which one of those six knocked down the seal; but if a female should be knocked down by accident an admonition is given to the clubbers.

Q. So that it is quite possible?—A. They are jacked up.

Q. It is quite possible if a female was killed through inadvertence that the native might not report it?—A. No; because the man who reports the presence of the female would not in the least be culpable, because he is a skinner, having nothing to do with the killing.

Q. He is probably a relative?—A. I should not say that. There is no great penalty attached to the killing of a female, such as to lead the men to suppress the fact of its presence. (Dixon Hearing, U. S. Senate Com. Cons. Nat. Resources, pp. 15, 16, Feb. 4, 1911.)

Under cross - examination, Lembkey admits that a yearling sealskin of his own identification and measurement is  $36\frac{1}{2}$  inches long.

Mr. LEMBKEY. Briefly, Mr. Elliott has accused those charged with the management of the seal fisheries with malfeasance in office in that—

1. They have allowed the killing of thousands of yearling seals.

Mr. ELLIOTT. I am coming to that. I want to get it distinctly in the record that this man knew exactly what he was doing all along.

It became necessary, then, for the committee to get from Mr. Lembkey his own identification and measurement of a yearling seal and its skin. To this end he was examined, and he testified as follows—you will see the point, because he has testified that he did not kill anything “under 2 years old,” because the regulations forbid it. He testified as follows, on page 442, Hearing No. 9:

“Mr. ELLIOTT. Mr. Lembkey, do you know the length of a yearling seal from its nose to the tip of its tail?

“Mr. LEMBKEY. No, sir; not offhand.

“Mr. ELLIOTT. You never measured one?

“Mr. LEMBKEY. Oh, yes; I have measured one.

“Mr. ELLIOTT. Have you no record of it?

“Mr. LEMBKEY. I have a record of it here.

“Mr. ELLIOTT. What is its length?

“Mr. LEMBKEY. The length of a yearling seal on the animal would be from the tip of the nose to the root of the tail,  $39\frac{1}{2}$  inches in one instance and  $39\frac{1}{2}$  in another instance—

“Mr. ELLIOTT. Yes.

“Mr. LEMBKEY. And 41 in another instance. I measured only three.”

\* \* \* \*

Also on page 443:

“Mr. ELLIOTT. How much can you say is left on a yearling after you have taken the skin off?

“The CHAIRMAN. How much skin is left after you have taken it off?

“Mr. ELLIOTT. Yes, sir; after they remove it for commercial purposes a certain amount is left on.

“Mr. LEMBKEY. I stated about 3 inches.

“Mr. ELLIOTT. Then that would leave a yearling skin to be 35 inches long.

“Mr. LEMBKEY. No; if it was  $39\frac{1}{2}$  inches long, it would leave it  $36\frac{1}{2}$  inches. That is, all the animal from the tip of the nose to the root of the tail would be  $39\frac{1}{2}$  inches long. Three inches off that would leave  $36\frac{1}{2}$  inches.”

Lembkey then admits that an accurate measurement of the 12,920 skins he took in 1910, declare the fact that 7,733 of them are only 34 inches long.

Mr. ELLIOTT. Mr. Lembkey having thus identified “7,733” of his 12,920 skins as “small pups” and “extra small pups,” the committee then examined him as to the lengths of those “small pup” and “extra small pup” skins; he then testified as follows, page 441, Hearing No. 9:

“Mr. ELLIOTT. I am getting at the analysis of your catch which you have given here already. You have given in a statement here that 8,000 of them were “small” and “extra small.”

“Mr. LEMBKEY. 7,700.

“Mr. ELLIOTT. 7,700?

“Mr. LEMBKEY. 7,733 were small and extra small pups.

“Mr. ELLIOTT. Mr. Fraser tells us that those seals, none of them measured more than 34 inches nor less than 30 inches.

“Mr. LEMBKEY. The committee can see what Mr. Fraser states. Mr. Fraser states that small pups measured  $33\frac{1}{4}$  inches in length.”

The CHAIRMAN. What would that indicate as to age?

Mr. ELLIOTT. I am coming to that—

“Mr. ELLIOTT. From there [indicating] to there [indicating] on that diagram—

“Mr. LEMBKEY.  $33\frac{1}{4}$  inches in length, and extra small pups measured 30 inches in length.

“Mr. ELLIOTT. Then you have some extra small pups there which makes it 8,000?

“Mr. LEMBKEY. Only 11 of those.

“Mr. ELLIOTT. It does not amount to anything.

“Mr. LEMBKEY. It just makes your 8,000 about 300 more than the actual number.

“Mr. ELLIOTT. That is the reason I used those round numbers. It does not amount to anything one way or the other.

“Mr. LEMBKEY. The actual number is 300 short of 8,000, Mr. Elliott.”

Mr. Lembkey thus testifies that his own summary and official record of the measurements of “7,733 fur sealskins,” which he took during the season of 1910 on the Pribilof Islands, declares the fact that no one of them exceeds in length 34 inches. That fact determines them—all of them—to have been the skins taken from yearling seals. (Hearing No. 14, pp. 903, 904, 905, July 25, 1912.)

In this distinct affirmation and statement, Mr. Lembkey tells the committee that a "yearling" fur-seal skin of his own identification and measurement is  $36\frac{1}{2}$  inches long. It then became, in order to understand what the lengths of those 12,920 fur-seal skins were, which he took during the season of 1910 on the Pribilof Islands, and then certified them into the record of his work as being—all of them—"taken from male seals not under 2 years of age." (See testimony Apr. 13, 1912, pp. 428, 429, Hearing No. 9.)

Lembkey declares that he can not distinguish the sex of yearling seals; that he does not kill them.

The CHAIRMAN. How many did you kill last year?

Mr. LEMBKEY. We killed 12,920.

Q. How many had the old fur company killed the year before?—A. They killed 14,000 and something.

Q. What was the youngest seal you killed; what age?—A. Two years old.

Q. The statement has been made that it is hardly possible to distinguish the male and the female at that age?—A. At 2 years old?

Q. Yes; what is your opinion?—A. There is considerable difficulty in distinguishing the young males and females. There is considerable difficulty in distinguishing the male and the female yearling. They are both of the same size and general formation. It is almost impossible for anybody not an expert to pick them out and distinguish between them, and it is rather difficult, even for an expert; but of the 2-year-olds the females are not on the hauling grounds; they are on the breeding rookeries for their initial impregnation. The 2-year-old males, on the other hand, are on the hauling out grounds.

Q. In the killing last year, did you kill any female seals?—A. Not to my knowledge, sir. I had general supervision, as I say, over the work on both islands, but, being back and forth from day to day, I was not present at every killing and could not, of course, be; but I carefully interrogated this morning Mr. Judge, who had charge of the killing on St. Paul, and Maj. Clark, who had charge on St. George, as to whether any female seals had been killed during the past season, to their knowledge, and they stated that none had been killed. (Dixon hearing, Feb. 4, 1911, p. 10, U. S. Senate Com. on Conservation Nat. Resources.)

But Lembkey is compelled to admit that he took 7,733 yearling skins in 1910.

Mr. Lembkey having thus identified "7,733" of his 12,920 skins as "small pups" and "extra small pups," the committee then examined him as to the lengths of those "small pup" and "extra small pup" skins; he then testified as follows, page 441, Hearing No. 9:

"Mr. ELLIOTT. I am getting at the analysis of your catch which you have given here already. You have given in a statement here that 8,000 of them were 'small' and 'extra small.'"

"Mr. LEMBKEY. 7,700.

"Mr. ELLIOTT. 7,700?

"Mr. LEMBKEY. 7,733 were small and extra small pups.

"Mr. ELLIOTT. Mr. Fraser tells us that those seals, none of them measured more than 34 inches nor less than 30 inches.

"Mr. LEMBKEY. The committee can see what Mr. Fraser states. Mr. Fraser states that small pups measured  $33\frac{1}{2}$  inches in length."

The CHAIRMAN. What would that indicate as to age?

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"Mr. ELLIOTT. From there [indicating] to there [indicating] on that diagram—

"Mr. LEMBKEY.  $33\frac{1}{2}$  inches in length, and extra small pups measured 30 inches in length.

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"Mr. ELLIOTT. It does not amount to anything.

"Mr. LEMBKEY. It just makes your 8,000 about 300 more than the actual number.

"Mr. ELLIOTT. That is the reason I used those round numbers. It does not amount to anything one way or the other.

"Mr. LEMBKEY. The actual number is 300 short of 8,000, Mr. Elliott."

Mr. Lembkey thus testifies that his own summary and official record of the measurements of "7,733 fur sealskins," which he took during the season of 1910 on the

Lembkey swears that he had "reliable data" upon which the regulations were lowered to "5 pounds" minimum skin weight from a 5½-pound limit.

Mr. LEMBKEY. We have found on the islands that the most reliable way of gauging sealskins so as to classify them into different ages is that of weight, of weighing the skins. We have very reliable data showing that 2-year-olds seldom if ever weigh less than 5 pounds, and we also have data which give us the information that the skins of 3-year-olds weigh from 6½ to 8½ pounds. Upon that basis we have established our regulations. (Hearing No. 9, p. 398, Mar. 1, 1912; H. Com. Exp. Dept. Com. and Labor.)

Lembkey says that "perhaps" he has published a table of skin weights.

Mr. ELLIOTT. As much official as your work. Have you published any table of weights or measurements?

Mr. LEMBKEY. I do not know, Mr. Elliott. Have I?

Mr. ELLIOTT. Have you? I am asking you.

The CHAIRMAN. He has said he does not remember.

Mr. LEMBKEY. I perhaps have in one of my reports.

Mr. ELLIOTT. When?

Mr. LEMBKEY. I do not remember the exact date. I am not evading the point. I simply can not remember the exact date. Perhaps you have that data.

The CHAIRMAN. Did you publish a report?

Mr. LEMBKEY. I think in one of my reports—I think it was in 1907, I am not certain which year—appeared a statement of the classification of the skins in London for that year, with an approximation of the ages of the animals. I think it was in 1907. That is what you had in your mind, is it not?

Mr. ELLIOTT. That is not a table showing—

Mr. LEMBKEY. That is the only table.

Mr. ELLIOTT. Therefore you have never published any table?

Mr. LEMBKEY. If you wish to draw that conclusion—

Mr. ELLIOTT. You have been up there all these years, and now, to-day, you can

Pribilof Islands, declares the fact that no one of them exceeds in length 34 inches. That fact determines them—all of them—to have been the skins taken from yearling seals— (Hearing No. 14, p. 905, July 25, 1912, H. Com. Exp. Dept. Com. and Labor.)

But, under cross-examination, Lembkey admits he had no "reliable data" as warrant for changing the 5½ limit to 5 pounds—only his "opinion."

Mr. LEMBKEY. 1906 is when we reduced the weight from 5½ pounds to 5 pounds. Please get that correct.

Mr. ELLIOTT. But in 1904 you made that recommendation?

Mr. LEMBKEY. To Mr. Hitchcock.

Mr. ELLIOTT. Have you any table of weight measurement of your own making which warranted you in making that recommendation?

Mr. LEMBKEY. I had not. I expressed that as my opinion. (Hearing No. 9, p. 450, Apr. 13, 1912; H. Com. Exp. Dept. Com. and Labor.)

But, on examination, he admits that he never has prepared such a table.

Mr. LEMBKEY. What do you mean, that the weight of a 2-year-old is 5 pounds?

Mr. ELLIOTT. No; I say you say "from 5 to 6½ pounds."

Mr. LEMBKEY. Yes; but you have got to give us—

Mr. ELLIOTT. That is what I stated—5 to 6½ pounds.

The CHAIRMAN. That is the answer to your question. That is fair. You ought not to assume to know more about it than he does.

Mr. ELLIOTT. No; I can not find his statement about it before. I wanted to get it into the record.

The CHAIRMAN. Is his answer to your question?

Mr. ELLIOTT. Yes; that is there. You have no official record of the weights of a 3-year-old skin, have you? You have never published any?

Mr. LEMBKEY. Yes; I published the weights of a 2-year-old and 3-year-old skin. I made the statement in my reports to the effect—

Mr. ELLIOTT. You said it was an approximation.

Mr. LEMBKEY. I have made a statement in my reports giving an approximation of the weights of skins from seals of different ages. Now that I recollect, it was not in the form of a table. I have stated repeatedly in the text of my reports that a 2-year-old would weigh from

not tell from any official records of yours what the weight of a 2-year-old skin is?

Mr. LEMBKEY. What?  
Mr. ELLIOTT. You can not tell from any official records of yours what the weight of a 2-year-old skin is. You say it is 5 pounds. Where is the official record? (Hearing No. 9, p. 436, Apr. 13, 1912.)

Lembkey swears that the data upon which he orders and directs the killing is "very reliable."

Mr. LEMBKEY. We have found on the islands that the most reliable way of gauging sealskins so as to classify them into different ages is that of weight, of weighing the skins. We have very reliable data showing that 2-year-olds seldom if ever weigh less than 5 pounds, and we also have data which give us the information that the skins of 3-year-olds weigh from 6½ to 8½ pounds. Upon that basis we have established our regulations. Now it is absolutely impossible for us to proceed to any classification with regard to age by means of measurements on the islands for the reason that the green skin is very pliable and flexible, and by a little pressure could be made a foot or a foot and a half longer than it really is, or wider, in whichever direction you wish to apply the pressure, so that on the islands the only standard we can fix is the standard of weight. (Hearing No. 9, p. 398, Mar. 1, 1912, H. Com. Exp. Dept. Com. and Labor.)

5 to 6½ pounds. (Hearing No. 9, p. 437, Apr. 13, 1912.)

Mr. LEMBKEY. 1906 is when we reduced the weight from 5½ pounds to 5 pounds. Please get that correct.  
Mr. ELLIOTT. But in 1904 you made that recommendation?

Mr. LEMBKEY. To Mr. Hitchcock.  
Mr. ELLIOTT. Have you any table of weight measurement of your own making which warranted you in making that recommendation?

Mr. LEMBKEY. I had not. I expressed that as my opinion. (Hearing No. 9, p. 450, Apr. 13, 1912.)

But he officially reports in 1907 that he has nothing but an "approximate" idea of the size and weights of the skins.

Mr. LEMBKEY. The average weight of these sizes has been determined by Lampson & Co., as well as by the agents on the islands. (See S. Doc. No. 98, 59th Cong., 1st sess., p. 88; also proceedings Fur-Seal Arbitration, vol. 8, pp. 916 et seq.) As certain of the sizes of skins do not occur at all in the islands catch, the weights as given by Lampson & Co. are here used, although they do not correspond in every respect with our idea of the average weights of seals of a given age. Opposite these weights I have placed the age of the animals from which they were taken, based on my judgment after having assisted in weighing thousands of skins:

	Weight.		Age.
	Lbs.	Oz.	Years
Large wigs.....	34	0	.....
Small wigs.....	23	0	.....
Middlings.....	14	6	6
Middlings and smalls.....	11	3	5
Smalls.....	9	8	4
Large pups.....	8	2	3
Middling pups.....	6	12	
Small pups.....	5	10	2
Extra small pups.....	4	11	
Extra extra small pups.....	3	13	1
Gray pups.....	3	0	(1)

1 Four to five months.

The ages of seals of a given weight marked in the above table are based on an average and are necessarily only approximate. They are stated here solely for the purpose in hand and not as an effort on my part to fix the correct weight of the skins of seals of a certain age. As it is, however, it is close enough to construct an estimate such as we desire. (Appendix A, p. 498, June 11, 1911, H. Com. Exp. Dept. Com. and Labor.) (Rept. of W. I. Lembkey, Sept. 9, 1907, to Sec. Com. and Labor.)

Lembkey swears it is impossible to measure a "green" sealskin.

Mr. MADDEN. Would not a stretched skin show that it had been stretched?

Mr. LEMBKEY. No; the green skin, as a matter of fact, is as pliable as a piece of india rubber, and in throwing it down on the ground it may curl up or stretch lengthwise; it is so elusive in form it is impossible for us to measure it; that is the truth of the matter.

Mr. MCGILICUDDY. You say measurement would not be reliable because it might be stretched. Suppose you did not stretch it, suppose you take it honestly, then would it be, if honestly taken, would it be a test?

Mr. LEMBKEY. I tried to make that clear to the committee.

The CHAIRMAN. That is a direct question. Why do you not answer it?

Mr. LEMBKEY. I am attempting to. It is impossible; of course, all our actions up there are honestly—

Mr. MADDEN (interposing). Answer the question right straight. Do not try to explain it.

Mr. LEMBKEY. I have attempted to state that in measuring a green skin it is impossible to find out its exact length when you lay it on the ground, because it may curl up, or roll, or stretch, and it can only be measured after it has become hardened by salt.

Mr. MCGILICUDDY. Then it will not stretch?

Mr. LEMBKEY. Certainly not.

Mr. MCGILICUDDY. That is the proper time to measure it, after it has become rigid and stiff?

Mr. LEMBKEY. Certainly. (Hearing No. 9, p. 399, Mar. 1, 1912.)

But when under cross-examination he denies the statement.

Mr. ELLIOTT. Mr. Lembkey, you stated to the committee that it was impossible to measure a yearling skin, and therefore you have never done it.

Mr. LEMBKEY. I do not remember that.

Mr. ELLIOTT. Did you not say that?

Mr. LEMBKEY. I stated that it was not impossible to measure a green skin. I said that I have never done it.

Mr. ELLIOTT. I have not seen your testimony. Of course, I can not take you up on it.

Mr. LEMBKEY. You know you have seen my testimony, because I have seen your notations in the report of the committee's hearings.

The CHAIRMAN. Never mind about that. Ask the question.

Mr. ELLIOTT. I have not read your testimony; I only remember what you said. (Hearing No. 9, p. 439, Apr. 13, 1912.)



Lembkey swears that he saved the 3-year-olds from killing as food seals by a 6½-pound maximum skin weight limit, but—

Mr. LEMBKEY. Notwithstanding repeated allegations to the contrary, the regulations of the department fully protect the breeding herd, and these regulations are carefully and thoroughly observed. They require that no female or marked male should be killed, and no male seal having a pelt weighing less than 5 or more than 8½ pounds. During the food killing season of the fall and spring seals having skins weighing over 6½ pounds or under 5 pounds may not be taken, this extra limitation being enforced to prevent the killing of those males marked for breeding purposes after the new hair has grown in and obliterated the mark which is placed upon their hides at the beginning of the season.

Mr. MADDEN. Right there, let me ask a question.

Mr. LEMBKEY. Yes, sir.

Mr. MADDEN. I do not think it will interfere. You said that seals 2 or 3 years of age were killed?

Mr. LEMBKEY. Yes, sir.

Mr. MADDEN. And that no skin weighed less than 5 or more than 8 pounds?

Mr. LEMBKEY. More than 8½ pounds.

Mr. MADDEN. Except during a certain period of the season when the higher weight was reduced to 6½ pounds?

Mr. LEMBKEY. Yes, sir.

Mr. MADDEN. What becomes of the seals more than 3 years of age?

Mr. LEMBKEY. They are allowed to mature as breeders. (Hearing No. 9, p. 363; Feb. 29, 1912.)

But, it seems that that 6½-pound maximum was actually increased to 8½ pounds. So these "saved" 3-year-olds in June and July were all killed in the October-November following as "food seals."

Mr. LEMBKEY. Let me interrupt you a moment. The instructions for 1904, known as the Hitchcock rules, used this language: "No seal shall be taken that is over 4 years of age." That, of course, was intended to mean that no 4-year-olds were to be killed, but the company took it to mean that a seal was not over 4 years until it was at least 5 years of age, and that they could at least kill 4-year-olds. That was the controversy.

Mr. McGUIRE. Right there, Mr. Lembkey, did you prohibit their killing them?

Mr. LEMBKEY. I did.

Mr. McGUIRE. Over 4 years of age?

Mr. LEMBKEY. I did.

Mr. ELLIOTT. In 1904?

Mr. LEMBKEY. Yes.

Mr. ELLIOTT. Did you do it in 1905?

Mr. LEMBKEY. Yes.

Mr. ELLIOTT. How did you do it? You had no brand on them.

Mr. LEMBKEY. By fixing a limit of 8½ pounds on the skins to be taken. (Hearing No. 9, p. 458; Apr. 13, 1912.)

Dr. EVERMANN. I wish to call particular attention to these paragraphs of the instructions regarding reservations to be made:

[Instruction issued Mar. 9, 1906.]

SEC. 8. *Sizes of killable seals.*—No seals shall be killed having skins weighing less than 5 pounds nor more than 8½ pounds. Skins weighing more than 8½ pounds shall not be shipped from the islands, but shall be held there subject to such instructions as may be furnished you hereafter by the department. Skins weighing less than 5 pounds shall not be shipped from the islands unless, in your judgment, the number thereof is so small as to justify the belief that they have been taken only through unavoidable accident, mistake, or error in judgment.

SEC. 10. *Seals for food.*—The number of seals to be killed by the natives for food for the fiscal year beginning July 1, 1906, shall not exceed 1,700 on the island of St. Paul and 500 on the island of St. George, subject to the same limitations and restrictions as apply to the killing of seals by the company for the quota. Care should be taken that no branded seals be killed in the drives for food. (Hearing No. 10, pp. 483, 484; Apr. 19, 1912.)

The lessees suborn Lembkey and Bureau of Fisheries and then secure all of the "reserved" or "spared" seals, in violation of the sworn statements made by the latter.

#### THE DEADLY PARALLEL.

Lembkey declares that it is necessary to put a 6½-pound limit on food skins to save the "reserved" 3-year-olds from killing, and tells the Senate Committee that it is done.

Mr. ELLIOTT. Now, Mr. Chairman, in the matter of the nullification of the Hitchcock rules, with this evidence duly considered by your committee, of the illegal killing of those yearling seals in 1910 (and that evidence of this guilt applies to every season's work on the Pribilof Islands ever since 1890 down to May 1, 1910), I desire to present the following testimony, which declares that ever since May 1, 1904, when the "Hitchcock rules" were first ordered by the Department of Commerce and Labor, those rules have been systematically and flagrantly violated by the agents of this department who were specially sworn to obey and enforce them.

On February 4, 1911, Chief Special Agent Lembkey was introduced by Secretary Charles Nagel to the United States Senate Committee on Conservation of National Resources, and during his examination by that committee he made the following statement, to wit, on page 14 (hearings on Senate bill 9959, February 4, 1911, Committee on Conservation of National Resources):

"Dr. HORNADAY. How many 'short 2-year-olds' were killed last year?

"Mr. LEMBKEY. I do not understand your term. No seals under 2 years old, to my knowledge, were killed.

"Dr. HORNADAY. What would be the age of the smallest yearlings taken?

"Mr. LEMBKEY. Two-year-olds rarely, if any. I may state here, Dr. Hornaday, that a great difference of opinion exists between Mr. Elliott and the remaining people who understand this situation. There is a great gulf between their opinions, and it can never be reconciled on the question of the weights of skins of 2-year-olds.

"Prof. ELLIOTT. I will present my information in a moment.

"Dr. HORNADAY. The minimum weight is what?

"Mr. LEMBKEY. Five pounds. During food drives made by the natives,

But the official instructions which the Bureau of Fisheries order, declare that that limit of 6½ pounds has been raised to 8½ pounds, and so all of the "reserved" 3-year-olds in June and July annually, are killed in October and November, following.

DR. EVERMANN \* \* \*

"[Instructions issued Mar. 9, 1906.]

"SEC. 8. *Sizes of killable seals.*—No seals shall be killed having skins weighing less than 5 pounds nor more than 8½ pounds. Skins weighing more than 8½ pounds shall not be shipped from the islands, but shall be held there subject to such instructions as may be furnished you hereafter by the department. Skins weighing less than 5 pounds shall not be shipped from the islands unless, in your judgment, the number thereof is so small as to justify the belief that they have been taken only through unavoidable accident, mistake, or error in judgment.

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"[Instructions issued Apr. 15, 1907.]

"Identical with instructions of 1906.

"[Instruction issued Apr. 1, 1908.]

"Identical with instructions of 1907.

"[Instructions issued Mar. 27, 1909.]

"SEC. 10. *Seals for food.*—Identical with instructions for 1906, 1907, and 1908, except in addition is added 'The maximum weight for food skins shall not exceed 7 pounds.

"[Instructions issued May 9, 1910.]

"SEC. 11. *Seals for food.*—No female seal or seal having a skin weighing under 5 pounds or more than 7 pounds shall be killed during the so-called food-killing season.

when the seals killed are limited to 6½ pounds, in order to exclude all these 3-year-olds branded during the summer, you understand the natives do kill down a little more closely than our regulations allow, for the reason that they need the meat, and since they have to exclude all these fine, fat seals over 6½ pounds they go for the little fellows a little more closely.

"The CHAIRMAN. How many seals were killed last year for food by the natives?"

"Mr. LEMBKEY. The limit was 2,500. Speaking offhand, I think about 2,300 were killed.

"Q. Were any females killed?—A. No, sir; not to my knowledge, and, as I stated, I carefully interrogated these two gentlemen who had charge of this killing, and they stated that to their knowledge no female was killed.

"Q. What class of males were killed by the natives for food?—A. Under 6½ pounds." (Hearing No. 14, p. 907, July 25, 1912, H. Com. Exp. Dept. C. & L.)

Lembkey swears that he reserves from slaughter 1,000 3-year-old seals every year, before any killing begins for the season in June.

Mr. LEMBKEY. Before any killing was done this summer, as has been the practice for some years past following the bureau's instructions, 1,000 of the choicest 3-year-olds appearing in the first drives of the season were reserved for future breeders and marked by shearing their heads, so as to render their subsequent recognition during the season an easy matter. These seals, thus marked, were immune from clubbing and were not killed. These 3-year-old seals the following year became 4-year-olds, the killing of which class in general is prohibited. Only after the 1,000 3-year-olds, known as the breeding reserve, is secured and marked does the killing of seals for skins begin. The killing is confined only to the 2 and 3 year old immature males not required for purposes of reproduction. To obtain these, the breeding rookeries are not disturbed, but the bachelors' hauling grounds on either island were driven every fifth or sixth day if seals were found thereon in sufficient numbers to justify driving. The killing season begins on July 1 and ends July 31, but one drive is always made subsequently on August 10 to furnish the natives with fresh meat during a portion of the so-called "stagey" season (when the seals shed their hair), which begins August 10 and ends October 20, and during which no killing is done. (Hearing No. 9, pp.

"[Instructions issued Mar. 31, 1911.]

"Identical with instructions of 1910."

Mr. LEMBKEY. We have found on the island that the most reliable way of gauging seal skins so as to classify them into different ages is that of weight—of weighing the skins. We have very reliable data showing that 2-year-olds seldom if ever weigh less than 5 pounds, and we also have data which give us the information that the skins of 3-year-olds weigh from 6½ to 8½ pounds. Upon that basis we have established our regulations. (Hearing No. 9, p. 398; Hearing No. 10, pp. 433-436, Apr. 19, 1912, H. Com. Exp. Dept. C. & L.)

But Clark reports that these reserved seals in June are all subsequently killed, and tells how they are so taken.

3. *The reserve of bachelors.*—Beginning with the season of 1904, there has been set aside each spring a special breeding reserve of 2,000 young males of 2 and 3 years of age. These animals have been marked by clipping the head with sharp shears, giving them a whitish mark readily distinguishing them to the clubbers. They are carefully exempted on the killing field and released.

This method of creating a breeding reserve seems open to considerable criticism, and has apparently been only moderately successful. The mark put upon the animal is a temporary one. The fur is replaced during the fall and winter, and the following spring the marked seals can not be recognized. The animals being 2 and 3 years of age are still killable the next season, the 2-year-olds in fact the second season. A new lot of 2,000 is clipped the next season, and these are carefully exempted, but, except in so far as animals of the previous season's marking are reclipped, they have no protection the second season, and without doubt are killed.

If such is not the case, it is difficult to understand what becomes of them. The annual reservation from 1904 to 1907, both seasons included, would aggregate 8,000 animals. These animals would be of ages ranging from 8 to 5 years this season. The only animals present in 1909 which could

362, 363, Feb. 29, 1912, Ho. Com. Exp. Dept. Com. and Labor.)

Dr. HORNADAY. The minimum weight is what?

Mr. LEMBKEY. Five pounds. During food drives made by the natives, when the seals killed are limited to 6½ pounds, in order to exclude all these 3-year-olds branded during the summer, you understand the natives do kill down a little more closely than our regulations allow, for the reason that they need the meat, and since they have to exclude all these fine, fat seals over 6½ pounds they go for the little fellows a little more closely. (Dixon Hearing, U. S. Sen. Com. Cons. Nat. Res., Feb. 4, 1911, pp. 14, 15.

The seal contractor swears that the "good conscientious" Bureau of Fisheries' agents should have full swing and control on the islands.

The CHAIRMAN. I mean, in the present depleted condition of the herd, if there should be a short closed season, so that the seals can multiply and then do what you say. Would that be good policy, in your judgment?

Mr. LIEBES. Well, I said, leave it to the people on the islands; if they find they can not take any, let them not take any; there should be no compulsion to take any; but if the people on the islands may take any, then take the surplus.

The CHAIRMAN. But you see you assume that the people on the islands will do the right thing, and I do not mean to insinuate they would do anything but what is right; however, I am trying to get your real opinion of the thing in the record.

Mr. LIEBES. As you stated, there might be some danger in leaving it to the officers on the islands, but I do not think the danger would be as great as instructions given from Washington in the best of faith, because they might meet other conditions when they arrive there. I think the lesser evil, if there are any evils, is to allow the officer in charge to determine.

The CHAIRMAN. A great deal, of course, must be intrusted to the people in charge.

Mr. LIEBES. Well, not necessarily so. If they are allowed to recuperate, they will be all right. They will be able to take seals each year, and I certainly think that is the only way to do. This idea of shutting down for a number of years is unnecessary and absolute rot. You have got to run your seal herd like you would run a stock range; it has got to be left to people who understand the business, and in the discretion of the officers in charge, men of ability, if you have confidence in them, and from what I have seen of the

have resulted from this reservation were the 513 idle and half bulls. Even if we assume that they have in the meantime replaced the entire stock of breeding bulls this would account for only 1,900 of them, and the active bulls were for the most part of a distinctly older class. (Rept. G. A. Clark to Sec. Nagel, Sept. 30, 1909, p. 847, Appendix A, June 24, 1911. H. Com. Exp. Dept. Com. and Labor.)

But when they get up there, Liebes asks that they give him full swing, and they do.

#### ST. PAULS ISLAND, ALASKA.

[Journal of the chief special agent in charge of Seal Islands.

*Thursday, June 9, 1892.*—Mr. J. Stanley-Brown arrived and took the place of Maj. Williams as United States agent in charge of the Seal Islands (p. 2).

*Friday, July 8, 1892.*—The entire control and management of the killing grounds and killing of the seals were given to Mr. Fowler, of the N. A. C. Co., by order of Mr. J. Stanley-Brown, agent in charge, and Assistant Agent Murray was ordered to count the seals.

The killing is entirely directed by the agent of the lessees who directs the grade of seal to be taken. (Report of Chief Spl. Agt. J. B. Crowley, Nov. 1, 1896.)

This season (1909) they (the drives) have been entirely in the hands of the lessees \* \* \* the lessees have been free to take what they could get. (Report of G. A. Clark, Sept. 30, 1909, to Sec. Nagel, Dept. Com. and Labor, pp. 829-866, Appendix A, June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

Department of Fisheries they certainly have the ability, and the people around the islands certainly understand their business. They are good conscientious people. If such people run the thing and take the surplus males each year, it will be all right. (Hearing No. 13, pp. 877-879, June 20, 1912, Ho. Com. Exp. Dept. Com. and Labor.)

Hitchcock, learning that the lessees and Lembkey were trying to get a modification of his 5½-pound minimum limit to 5 pounds, had the following peremptory instruction added to the orders of May 1, 1905:

DEPARTMENT OF  
COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, May 1, 1905.

Mr. W. I. LEMBKEY,  
*Agent in Charge of Seal Islands, Department of Commerce and Labor, St. Paul Island, Pribilof Group, Alaska.*

SIR: With reference to the provision in your instructions prohibiting the lessees from killing any seals during the coming season that are under 2 years of age, you are directed in the enforcement of this requirement to fix upon the same minimum limit of weight for the skins to be taken as that prescribed for the season of 1904, namely, 5½ pounds.

It will be your duty to see that every possible precaution is exercised to prevent the killing of seals that yield skins under the weight mentioned.

Respectfully,

V. H. METCALF,  
*Secretary.*

(Appendix A, p. 153, June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

Lembkey officially declares, in 1905, that no change should be made in the Hitchcock rules—it "would be wholly unwise."

#### PRESENT REGULATIONS SHOULD BE CONTINUED.

Since it appears that a scarcity of bulls is threatened on the islands, and, in fact, has occurred actually on several of the rookery spaces on St. Paul, any change in the present regulations looking to a lessening of the restrictions placed on killing on the islands would be wholly unwise.

The result of these regulations can not be felt before 1907, as has in effect been

Lembkey acknowledges this peremptory mandate, but he does not enter it on his official journal of the Government house, St. Paul Island.

OFFICE OF AGENT IN  
CHARGE SEAL ISLANDS,  
*St. Paul Island, Alaska, June 17, 1905.*

The honorable the SECRETARY OF  
COMMERCE AND LABOR.

SIR: I have the honor to acknowledge the receipt of the department's letter of the 1st ultimo, prescribing, for the season of 1905, a minimum weight of sealskins to be taken of 5½ pounds, and to say that the necessary measures will be taken to have the regulations properly observed on the islands.

A copy of the letter referred to has been forwarded to the assistant agent in charge of St. George Island, for his guidance.

Respectfully,

W. I. LEMBKEY,  
*Agent in Charge Seal Islands.*

(Appendix A, p. 153, June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

But when Hitchcock is out of the department, then Lembkey, without warrant, does unite with the lessees and secures a change for the worse in them.

Mr. ELLIOTT. When Mr. Hitchcock left the department who succeeded him?

Mr. LEMBKEY. As chief clerk? I think Mr. Bowen did.

Mr. ELLIOTT. Mr. Bowen. Did you again renew your recommendation?

Mr. LEMBKEY. I do not remember that I recommended that the weight be reduced to 5 pounds in 1905, Mr. Elliott.

Mr. ELLIOTT. That order of reduction was made in 1906?

Mr. LEMBKEY. In 1906.

stated. During the interval which must elapse before that time a steady decrease in bulls will be encountered. The closest killing on land occurred during the seasons of 1902 and 1903. In the latter season the lessees released from the drives on St. Paul only 983 small seals. This practical annihilation of bachelors for this year will be felt on the rookeries four years thereafter, or in 1907.

Since we are obliged to face in 1906 and 1907 this extra heavy decrease occurring from the closer killing in 1902 and 1903, no reduction in the number of bachelors now saved on the islands should be made until the rookeries themselves show an influx of male life sufficient to more than offset the yearly mortality. (Report W. I. Lembkey, Oct. 26, 1905, to Sec'y Com. and Labor; Appendix A, p. 175, H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

Lembkey's assistant, Judge, declares that the seal question was completely mastered and understood by Hitchcock when those "regulations" were prepared.

[The Secretary of Commerce and Labor, retransfer of the Alaskan seal service to the Bureau of Fisheries, by James Judge, assistant agent, Seal Islands.]

\* \* \* \*

It is to be observed that Hon. Frank H. Hitchcock, when connected with the Department of Commerce and Labor, had charge under the Secretary of the sealing business; that he made an exhaustive examination of all the questions affecting the seal life; that, as before stated herein, he prepared the regulations under which the business is now conducted.

\* \* \* \*

Mr. Hitchcock's knowledge of the seal life was so perfect and his mastery of the seal question was so complete that the President remitted the subject to his supervision and control even after he became First Assistant Postmaster General. It is earnestly recommended that if the reasons assigned in the foregoing statements are not deemed sufficient that Mr. Hitchcock's knowledge of the subject be availed of.

Respectfully submitted.

Mr. ELLIOTT. Who was the chief clerk then?

Mr. LEMBKEY. I presume Mr. Bowen was.

Mr. ELLIOTT. And you again made the recommendation?

Mr. LEMBKEY. Not to Mr. Bowen; no. The recommendation was made, I think, to the Secretary, but it was made through Mr. Sims, the solicitor of the department, who then had charge of the seal business.

Mr. ELLIOTT. Oh, he took charge of it? Had you in 1904 any table of length, weight, and measurement of fur seals to contradict the official tables that declared a fur seal 2 years of age, the skin of which weighed 5½ pounds? Had you any records to show Mr. Bowen or Mr. Hitchcock?

Mr. LEMBKEY. 1906 is when we reduced the weight from 5½ pounds to 5 pounds. Please get that correct.

Mr. ELLIOTT. But in 1904 you made that recommendation?

Mr. LEMBKEY. To Mr. Hitchcock.

Mr. ELLIOTT. Have you any table weight measurement of your own making which warranted you in making that recommendation?

Mr. LEMBKEY. I had not. I expressed that as my opinion. (Hearing No. 9, pp. 449-450, Apr. 13, 1912, H. Com. Exp. Dept. Com. and Labor.)

But Lembkey just changed them as best in his "opinion"—with no warrant for that opinion either. [The seal contractor's "opinion," too.]

Mr. ELLIOTT. Mr. Lembkey, when you made that statement in 1901, you went to Mr. Hitchcock and recommended a 5-pound limit. What did he tell you in 1904?

Mr. LEMBKEY. I do not remember just what he did tell me, Mr. Elliott.

Mr. ELLIOTT. Did he not tell you that you were taking yearling skins?

Mr. LEMBKEY. No, sir; he told me that you had made the charge that we were taking yearling skins.

Mr. ELLIOTT. Was he not impressed with the fact that you were taking yearling skins?

Mr. LEMBKEY. No; he was not.

Mr. ELLIOTT. Yet he fixed the limit 5½ pounds?

Mr. LEMBKEY. He did it solely as I have stated—to place the limit so high that you nor any other man could make any objection to the policy of the department.

Mr. ELLIOTT. That was very correct on his part, was it not?

\* \* \* \*

Mr. ELLIOTT. When Mr. Hitchcock left the department who succeeded him?



DECEMBER, 1908. (Appendix A, p. 666, June 24, 1911. H. Com. Exp. Dept. Com. and Labor.)

The company's protest regarding the department's decision to fix the minimum weight of skins at 5½ pounds was brought to our attention here at Washington before the sailing of the steamer and was filed for future reference. (F. H. Hitchcock to W. I. Lembkey, May 28, 1904. Appendix A, p. 47, June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

Lembkey says in his official report, 1906, that he made that change in the Hitchcock Rules because "the department found," etc., "of the fact," etc.

Mr. LEMBKEY. The reduction in 1906 of the limit of weight on small skins from 5½ to 5 pounds was made by the department because of the fact that the latter weight more nearly represented the dividing line between 1 and 2 year old seals. The young males between 5 and 5½ pounds undoubtedly are 2-year-olds, and the 5½-pound prohibition resulted in arbitrarily turning away from the killing fields several thousands of small 2-year-olds that otherwise would be killed for quota.

This reduction of the limit in weight resulted in the dismissal in 1906 of 3,980 small seals, as against 5,548 in 1905. These 3,980 dismissals in 1906 are shown elsewhere to represent approximately 3,300 animals.

In my opinion, this closer killing among the smaller 2-year-olds is advisable. Present safeguards against too close killing are ample. With their strict enforcement, it is the part of wisdom to allow the lessee to take all remaining young males not covered by prohibitory regulation, as in so doing it reduces to a minimum a class of seals upon which the pelagic sealers prey during the summer, and which, if saved, would offer no further benefit to the herd than that now assured under the regulations governing the killing on land. (Rept., Dec. 14, 1906, to Secretary Com. and Labor, W. I. Lemb-

Mr. LEMBKEY. As chief clerk? I think Mr. Bowen did.

Mr. ELLIOTT. Mr. Bowen. Did you again renew your recommendation?

Mr. LEMBKEY. I do not remember that I recommended that the weight be reduced to 5 pounds in 1905, Mr. Elliott.

Mr. ELLIOTT. That order of reduction was made in 1906?

Mr. LEMBKEY. In 1906.

Mr. ELLIOTT. Who was the chief clerk then?

Mr. LEMBKEY. I presume Mr. Bowen was.

Mr. ELLIOTT. You must have had something to present to Mr. Hitchcock and to Mr. Bowen as your reason for reducing that weight from 5½ pounds to 5 pounds. What was it?

Mr. LEMBKEY. I had not. I expressed that as my opinion. (Hearing No. 9, pp. 449, 450, Apr. 13, 1912. H. Com. Exp. Dept. Com. and Labor.)

But Lembkey, under cross-examination, admits that the change was made on his recommendation, and that he himself, had no warrant for making it—only his "opinion."

Mr. ELLIOTT. That order of reduction was made in 1906?

Mr. LEMBKEY. In 1906.

Mr. ELLIOTT. Who was the chief clerk then?

Mr. LEMBKEY. I presume Mr. Bowen was.

Mr. ELLIOTT. And you again made the recommendation?

Mr. LEMBKEY. Not to Mr. Bowen; no. The recommendation was made, I think, to the Secretary, but it was made through Mr. Sims, the solicitor of the department, who then had charge of the seal business.

Mr. ELLIOTT. Oh, he took charge of it? Had you in 1904 any table of length, weight, and measurement of fur seals to contradict the official tables that declared a fur seal 2 years of age, the skin of which weighed 5½ pounds? Had you any records to show Mr. Bowen or Mr. Hitchcock?

Mr. LEMBKEY. What year are you speaking of, and what records are you speaking of?

Mr. ELLIOTT. You must have had something to present to Mr. Hitchcock and to Mr. Bowen as your reason for reducing that weight from 5½ pounds to 5 pounds. What was it?

Mr. LEMBKEY. You must remember, now, that my statement was that that change occurred in 1906.

Mr. ELLIOTT. 1904, you said?



key, pp. 264, 265, Appendix A, June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

The lessees with help of Lembkey in 1906, "established" a "5-pound" minimum, so as to easier "load" the 4½-pound yearling skins.

Mr. LEMBKEY. We have found on the islands that the most reliable way of gauging sealskins so as to classify them into different ages is that of weight, of weighing the skins. We have very reliable data showing that 2-year-olds seldom if ever weigh less than 5 pounds, and we also have data which give us the information that the skins of 3-year-olds weigh from 6½ to 8½ pounds. Upon that basis we have established our regulations. (Hearing No. 9, p. 398, Mar. 1, 1912.)

Mr. LEMBKEY. 1906 is when we reduced the weight from 5½ pounds to 5 pounds. Please get that correct.

Mr. ELLIOTT. But in 1904 you made that recommendation?

Mr. LEMBKEY. To Mr. Hitchcock.

Mr. ELLIOTT. Have you any table of weight measurement of your own making which warranted you in making that recommendation?

Mr. LEMBKEY. I had not. I expressed that as my opinion. (Hearing No. 9, pp. 449, 450, Apr. 13, 1912, H. Com. Exp. Dept. Com. and Labor.)

Lucas, under oath, and facing cross-examination, tells the truth and denies Lembkey.

Dr. LUCAS. In regard to the sizes and ages of killable seals, Dr. Evermann has pointed out in his admirable résumé that there is no law against the killing of male seals of any age. There have been regulations against it, but all I can say is that no yearlings have been systematically killed. I took Mr. Elliott's figures of 1873 as a good average. He cites the weight of 2-year-old skins as 5½ pounds. I agree with him there. I think that is a good average. (Hearing No. 12, p. 708, May 16, 1912.)

Mr. ELLIOTT. I will go further and submit as Exhibit J this paper. I won't read all of this in regard to the British authority on Alaskan fur-seal classification and what he says, as compared with our tables; but I will read one word from a chief British authority in an official letter written December 21, 1892, by Sir Curtis Lampson's sons to the British commissioners Sir George Baden-Powell and Dr. George M. Dawson. Sir Curtis Lampson says:

"We are unable to answer your inquiry as to in what class in the sales catalogue would be placed a skin classified on the islands as, say, a 7-pound skin, as we do not know whether the classification you mention refers to the skins as taken from the animals or after they have been cured and salted ready for shipment. The process of curing and salting must of necessity add to the weight." (See p. 916, Proceedings of the Tribunal of Arbitration, vol. 8, Paris, 1893.)

Now, let me tell you that the salt added in curing a 4½-pound "green" yearling skin will increase its weight to 5 pounds, or even to 5½ pounds, according to the amount of salt used.

Now, you will understand why a "5-pound" skin can not be taken on the islands and honestly, truthfully certified

Bowers swears that the skins are classified by weight as sent from the islands.

Mr. BOWERS. Do you have a report to that effect? Have you seen a report to that effect?

Dr. HORNADAY. Yes; and it has been published several times.

Mr. BOWERS. I have never seen it; neither have you. I think that is a matter of record. That is mentioned in the report manufactured by Mr. Elliott, based upon nothing.

Mr. PATTON. You mean it is a report that is sworn to by the people who do the selling in London?

Mr. BOWERS. No, sir; it is the classification of the London merchants who sell the skins for the United States Government.

Mr. PATTON. And they pay on that weight?

Mr. BOWERS. They sell on those weights. Their classification is made on those weights.

Mr. ELLIOTT. Right there I want to interpose the statement that they do not weigh those skins to classify them. They measure them. (Hearing No. 6, p. 291; July 27, 1911; H. Com. Exp. Dept. Com. and Labor.)

to Mr. Nagel's books as a skin "not under 2 years of age," because a 2-year-old skin weighs, with the same treatment that this skin has received, a minimum of 6 pounds. A small "runt" 2 years old may weigh 5½ pounds. I have seen "runts" that would not weigh 5 pounds, but we are not dealing with exceptions. We are dealing with broad, square averages. I am willing to admit that a few exceptions can be found. I am willing to admit that a man might knock down a "long" yearling here and there; but when he deliberately says to Mr. Nagel that a 5-pound skin is a 2-year-old seal I will take him to the seals themselves and they will confound him; and you gentlemen can easily go with me. I would like to submit this as an exhibit.

Mr. MCGILLICUDDY. Professor, these classifications here are before they are salted?

Mr. ELLIOTT. Yes, sir; they are "green" skins. (Hearing No. 1, p. 14, May 31, 1911.)

Lembkey, who takes the skins on the islands, denies his chief, Bowers.

Mr. YOUNG. Let me, before you pass from that, ask this: You weigh these green skins on the islands, and then measure them in the markets in London. What is your purpose in weighing, and what is their purpose in measuring?

Mr. LEMBKEY. Our purpose in weighing the skins on the island is to get them within the weights prescribed by the regulations. Our regulations prescribe maximum and minimum weights. Those weights are 5 pounds—

Mr. YOUNG. Does that relate to the question of age?

Mr. LEMBKEY. Five pounds and eight and one-half pounds.

Mr. YOUNG. Passing from the weight, in London what is the determining purpose in measuring?

Mr. LEMBKEY. They measure them I fancy—

Mr. YOUNG. Are they trying to arrive at the question of age, too?

Mr. LEMBKEY. They are trying to get the size of the skin or the amount of fur on the animal. (Hearing No. 9, pp. 448, 449, Apr. 13, 1912; H. Com. Exp. Dept. Com. and Labor.)

Lembkey asserts that the London classification of the sealskins is an accurate one—he does not tell how it is based.

Mr. LEMBKEY. These skins which were sent to London during the years 1909 and 1910 were weighed by the factors after their arrival in London and the weights found to correspond with those taken on the island. As this factor, Lampson & Co., is essentially a disinterested person, being concerned not the least with the question of weights or regulations, but wholly with the sale of the skins and the payments therefor, their verification of these weights may be taken as conclusive of their accuracy.

So far, therefore, as concerns compliance with the regulations and the law in the killing of male seals, no malfeasance can be proven, because not only the records of the department but the weights of the same skins in London, taken by an independent and responsible body of experts, prove that the limits of weight laid down by the instructions of the department have been complied with as closely as it is possible for human agency to do so. The weights of skins taken on the islands show this, and furthermore these weights have been verified in London by an independent and responsible body of men. (Hearing No. 9, p. 375, Mar. 1, 1912.)

Lembkey swears that Lampson's London classification of the sealskins taken on the seal islands is an accurate one, and by weight.

Mr. LEMBKEY. Lampson & Co. is a general broker, and I believe the only one in London.

Mr. ELLIOTT. They take anything from anybody in the United States.

Mr. LEMBKEY. Undoubtedly. Now, their reputation for veracity is unimpeachable, and has been jealously guarded by them since they first engaged in business many years ago. The fur trade has explicit confidence in their statements. The weights of skins which they have promulgated are as accurate as their classification of the skins which they publish to the trade. The fact that the island weights and the Lampson weights coincide is conclusive that the island weights were correctly taken. Surely the committee can conclude that

Then, under cross-examination, he admits that the London classification is on measurements, not weights, and based on the sizes of the skins.

Mr. LEMBKEY. Mr. Fraser, if I may inform the committee, makes a statement of the weight, breadth, and length of the skins—

Mr. ELLIOTT. Yes.

Mr. LEMBKEY. But states nothing whatever as to the number of skins in any catch.

Mr. ELLIOTT. That is all covered in other testimony.

Mr. LEMBKEY. Is it?

The CHAIRMAN. What is the question to this witness?

Mr. ELLIOTT. I asked if he does not know that the sizes are established by measurements?

The CHAIRMAN. Just answer that question. Do you know it?

Mr. LEMBKEY. I have been so informed.

Mr. ELLIOTT. Do you doubt it?

Mr. LEMBKEY. Oh, no.

Mr. ELLIOTT. Nor do I. (Hearing No. 9, p. 441, Apr. 13, 1912.)

Lembkey tells the committee that they classify sealskins by measurement of size, and not weight, in Lampson's sales.

Mr. YOUNG. Let me before you pass from that ask this: You weigh these green skins on the islands, and then measure them in the markets in London. What is your purpose in weighing, and what is their purpose in measuring?

Mr. LEMBKEY. Our purpose in weighing the skins on the island is to get them within the weights prescribed by the regulations. Our regulations prescribe maximum and minimum weights. Those weights are 5 pounds—

Mr. YOUNG. Does that relate to the question of age?

Mr. LEMBKEY. Five pounds and 8½ pounds.

Mr. YOUNG. Passing from the weight, in London what is the determining purpose in measuring?

the charge of malfeasance can not lie upon the practice of taking skins as it has been carried on during the years mentioned. (Hearing No. 9, p. 376, Mar. 1, 1912.)

Lembkey swears that 100 skins in 1904 were lighter after salting.

Mr. LEMBKEY. As a matter of fact, contrary to general belief, sealskins before salting weigh slightly more than afterwards. This is well known to practical taxidermists. The effect of salt on skins is to extract the animal juices in large measure and to deter the propagation of bacteria which would eventually destroy the skin. That the natural juices in the green pelt are extracted through the action of the salt is shown by the stiffer and harder texture of the skin after it has been in contact with the salt for a sufficient period. The loss of weight in a pelt due to salting is perhaps small, but nevertheless definite and appreciable.

In order to test this very matter, on July 26, 1904, 100 green sealskins nearly dry were weighed by me on St. Paul and then placed in salt. Their combined green weight was 644½ pounds. Five days thereafter they were taken out of salt and reweighed, when their combined weight was 643½ pounds, representing a net loss of 1 pound in the aggregate weight of 100 skins. (H. Doc. No. 93, 62d Cong., 1st sess., p. 79.) (Hearing No. 9, p. 416, Mar. 11, 1912.)

But Lembkey forgets it one month later.

Mr. ELLIOTT. Mr. Lembkey, you say you never have weighed these skins after you have salted them? You have never weighed them?

Mr. LEMBKEY. I have never weighed them after the salting on the islands; no, sir. (Hearing No. 9, p. 446, Apr. 13, 1912; H. Com. Exp. Dept. Com. and Labor.)

Mr. LEMBKEY. They measure them, I fancy——

Mr. YOUNG. Are they trying to arrive at the question of age, too?

Mr. LEMBKEY. They are trying to get the size of the skin or the amount of fur on the animal.

Mr. YOUNG. They care nothing about the question of age there?

Mr. LEMBKEY. Nothing at all.

Mr. Young. That is all I care to ask. (Hearing No. 9, p. 448, Apr. 13, 1912.)

But Lembkey's official record on the island, of 1904, shows that these skins were heavier.

[Official journal of the Government agent in charge of Seal Islands: St. Paul's Island, Alaska:

*Saturday, July 23, 1904.*—On July 18, 107 skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the trench and reweighed. At the time of killing they weighed 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin (p. 149). (This entry was made by Lembkey himself, as above quoted, and copied July 22, 1913, by the agents H. Com. Exp. Dept. Commerce.)

Lembkey says the holluschickie are never driven from shelter on the breeding rookeries.

Chief Special Agent LEMBKEY: Furthermore, the 3-year-olds, having passed the age of puberty, are not found on the hauling grounds during the fall, but are hauled among the cows on the rookeries when they can not be driven. This is an additional safeguard against their killing, and of itself would disprove any allegation that these marked seals are subsequently killed. (Report, Dec. 14, 1906, p. 13; Sen. Doc. 376, 60th Cong., 1st sess.)

Lembkey swears that the official publication of Elliott's 1874 report never reached the files of his office on the seal islands.

SAN FRANCISCO, November 15, 1911.  
Mr. W. I. LEMBKEY.

DEAR SIR: In compliance with your request, I have looked over the published account of the fur-seal investigation, and I can truthfully state that I consider the testimony of H. W. Elliott to be designedly false and misleading, especially that part referring to the season of 1890.

Referring to the scale of weights and measurements of sealskins, which he claims was introduced by himself and the late Dr. McIntyre, I have never heard of

But his assistant says they are so driven—are "pulled out from among the cows." The St. Paul native sealers confirm Judge in a signed statement, July 23, 1913:

Assistant Agent JAMES JUDGE. *Seals.*—Four hundred and fifty-eight seals of the quota of 500 allowed the natives of this island for food were obtained. The first drive was made on October 19, from Staraya Artel, and 220 seals were killed; 209 small, sixty-five 3-year-olds, five 4-year-olds, six 5-year-olds, two 6-year-olds, and 4 branded were turned away. Three other drives were made as follows: October 31, Staraya Artel rookery, 148 seals were killed, twelve 3-year-olds released; November 9, Staraya Artel and north, 44 seals killed; November 16, North rookery, 25 seals killed; October 20 to November 10, Zapadni Guard, 21 seals killed.

The last three drives were made up entirely of seals pulled out from among the cows by the natives, and as very careful selection had taken place on the rookery very few were turned away from the killing field. (Report, June 3, 1907, Sen. Doc. 376, p. 105, 60th Cong., 1st sess.)

*Question.* Did you ever use whistles when you drove those young seals out from the shelter of the rookeries?

*Answer.* No. They used to use them, but do not use them now. They just run in and yell and clap their hands.

*Question.* Did you ever report that work to the Government agents?

*Answer.* Yes; it was always reported to the Government agents. (Statements of the native sealers, St. Paul's Island, July 23, 1913; made to agents, H. Com. Exp., Dept. Commerce, p. 98, rept. Aug. 31, 1913.)

But it was on the official files, for in 1886 the chief special agent so reports to the Secretary of the United States Treasury.

OFFICE OF SPECIAL AGENT  
TREASURY DEPARTMENT,  
ST. PAUL ISLAND, ALASKA,  
July 31, 1886.

SIR: I herewith transmit my report of the operations of the seal islands for the past year, and up to the close of this sealing season.

\* \* \* \*

Mr. Elliott embraced in his report of 1874 a measurement by him of the breeding rookeries on this island, made July 10-18, 1872, since which time no measure-

its existence, nor have I ever heard mention of it, during my long residence on the seal islands, where for many years I was immediately connected with the taking and curing of sealskins, dating from the spring of 1875 to the expiration of the Alaska Commercial Co.'s lease, in 1890.

Yours, respectfully,

J. C. REDPATH.

Mr. LEMBKEY. Mr. Redpath landed on the islands first in 1875, one year after the alleged promulgation of the Elliott table of weights and measurements.

I regret that Mr. Redpath is in San Francisco, and therefore is not able to attend these hearings. Upon my return from Alaska this fall, I obtained and forwarded to Mr. Redpath a series of hearings of this committee held last summer, with the request that, after reading, he inform me whether the list of weights and measurements which Mr. Elliott claims was promulgated in 1872-1874 on the islands was, in truth, so published. His reply bears out my belief that Mr. Elliott simply has attempted to foist upon this committee a piece of manufactured evidence bearing a date so far back in the history of the islands that no one living would be able to testify as to its truth or falsity. (Hearing No. 9, pp. 404, 426, Apr. 13, 1912.)

Lembkey (and Bureau of Fisheries) quotes Veniaminov and misquotes Elliott, to deceive.

Mr. LEMBKEY. The cause of this great decline of seal life during the Russian régime was due to the reckless killing on land not only of bachelor seals, such as are killed to-day, but to the killing of female seals wherever they could be found. And, strange to say, the very evidence of this wanton slaughter of females can be found in Mr. Elliott's reports, although he is very careful to keep such facts in abeyance when furnishing his deadly parallel of the destruction caused by land killing then and now. \* \* \* Let us now make a few quotations from Elliott to show just what was the cause of the Russian scarcity of seals. \* \* \* Let us quote Mr. Elliott:

A translation of Veniaminov, whom I have mentioned already, \* \* \* occurs in Mr. Elliott's monograph, his first report on the seal islands. \* \* \*

In that translation we find the following quotation from the Russian writer:

"From the time of the discovery of the Pribilof Islands until 1805 the taking of furs seals progressed. \* \* \* Cows were taken in the drives and killed, and were also driven from the rookeries, where they were slaughtered \* \* \*." (Hearing on H. R. 1671, Feb. 3, 1912, p. 114, H. Com. Foreign Affairs.)

ment has been made, as far as the records of this office show.

\* \* \* \* \*

GEO. R. TINGLE,  
*Treasury Agent in Charge.*

TO THE SECRETARY OF THE TREASURY,  
*Washington, D. C.*

(H. Doc. 175, pp. 204, 205, 54th Cong.,  
1st sess.)

Elliott's answer proves this attempt to deceive.

Mr. ELLIOTT. On page 143 of my monograph, from which those extracts were read (by Lembkey), I made this significant and fair statement of what I thought of the same, to wit:

"I translate this chapter of Veniaminov's without abridgment, although it is full of errors, to show that while the Russians gave this matter evidently much thought at headquarters, yet they failed to send some one onto the ground who, by first making himself acquainted with the habits of the seals, etc.

"Why did Mr. Lembkey fail to read the above? The idea of making me responsible for a series of loose statements that I literally credit to another man, and expressly define them as such, is, I submit to the committee, a suppression of the truth by Mr. Lembkey himself, and he, not I, is guilty of that offense." (Hearing on H. R. 1671, Feb. 4, 1912, pp. 146, 147, H. Com. Foreign Affairs.)

## VII.

The statements in the official reports of Dr. David Starr Jordan, president of Advisory Board on Fur Seal Service, United States Bureau of Fisheries, who is one of the experts cited to the United States Senate Committee on Conservation of National Resources, January 14, 1911, and to the House Committee on Expenditures in Department of Commerce and Labor, June 9, 1911, by Secretary Charles Nagel as his authority for killing seals in violation of law and regulations:

Mr. BOWERS. The advisory board, fur-seal service, consists of the following:

Dr. David Starr Jordan, president of Stanford University, who was chairman of the International Fur-Seal Commissions of 1896 and 1897, appointed in pursuance of the treaty of February 29, 1892, and whose published report in four volumes is the most comprehensive, thorough, and valuable treatise that has ever been published on all matters pertaining to the fur seal and the seal islands. Dr. Jordan is the most distinguished and best known naturalist in the world. (Hearing No. 2, p. 109, June 9, 1911.)

## THE DEADLY PARALLEL.

Dr. Jordan falsifies Yanovsky's official report to the Secretary of the Treasury to justify the untruth stated in re "Russian killing of male and female seals alike."

At once on assuming control of the islands the Russian-American Co. put a stop \* \* \*. They still continued to kill males and females alike. The injury to the herd naturally continued. \* \* \*

In 1820 Yanovsky, an agent of the Imperial Government, after an inspection of the fur-seal rookeries, called attention to the practice of killing the young animals, leaving only the adults as breeders. He writes: "If any of the young breeders are not killed by the autumn they are sure to be killed in the following spring." From this course of action he concludes that the industry decreases every year in volume, and may in the course of time be extinguished entirely. (Fur Seal Investigations, pt. 1, p. 25, 1898.)

Dr. Jordan declares that the Russians ruined the Pribilof fur-seal herd by an indiscriminate killing of female and male seals, 1800-1834.

They (the Russian-American Co.) still continued to kill males and females alike. The injury to the herd naturally continued. \* \* \* (Fur-Seal Investigations, pt. 1, p. 25, 1898.)

The text of Yanovsky's report, 1820, which denies the statement of Dr. Jordan in re Russian killing of female seals. Jordan has used the word "breeders" for "bachelors" in Yanovsky's statement, and thus falsifies it.

In his report No. 41 of February 25, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that "every year the young" bachelor seals are killed, and that only the cows, siekatchie, and half siekatchie are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed the next spring. The consequence is the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct." (Appendix to Case of the United States, Fur Seal Arbitration (Letter No. 6, p. 58, Mar. 5, 1821), 1893.)

But Dr. Jordan published a translation of Bishop Veniaminov, who explicitly denies that killing by the Russians, 1800-1834, when the seal herd was destroyed.

The taking of fur seals commences in the latter days of September \* \* \*. The siekatchie and the old females having been removed, the others divided into small squads, are carefully driven to the place where they are to be killed, sometimes more than 10 versts distant.

When brought to the killing grounds the seals are rested for an hour, or more, according to circumstances, and then killed with a club. \* \* \*



Dr. Jordan denies the appearance on the hauling grounds of the yearlings, and in the killing drives before "the middle of July."

\* \* \* In fact the records of the drives show that it is only after the middle of July that the yearlings begin to arrive in numbers, and by the time the killing season is over. \* \* \* (Fur-Seal Investigations, pt. 1, 1898, p. 99.)

Jordan asserts and denies the fact that the yearling seals haul out, as a class, on the islands before the middle of July annually, and therefore are not killed.

From the killing during the present season (1896) 15,000 animals too small to kill were turned back. As in the case of the young bulls, some of these, perhaps many, were driven and redriven, several drives being made from each hauling ground during the season. The actual number represented by this total of rejected animals can not be exactly determined. From this it would seem necessary to suppose that by no means all the younger seals appear on the hauling grounds during the killing season. In fact, the records of the drives show that it is only after the middle of July that the yearlings begin to arrive in numbers, and by the time the killing season is over the great majority of the killable seals are secured, leaving the population of the hauling grounds almost exclusively year-

Of those 1 year old, the males are separated from the females and killed while the latter are driven carefully back to the beach. (Fur-Seal Investigations, pt. 3, 1898, p. 222; translation of Bishop Veniaminov by Leonhard Stejneger.)

But Chief Special Agent Goff asserts in an official entry that yearlings are in the drives as early as June 18.

[P. 229: Official Journal, Government Agent, St. Paul Island, 1890.]

*Wednesday, June 18, 1890.*—Made a drive from Tolstoi and Middle Hill; killed 274. Turned away 19 half grown bulls: as many yearlings as choice seals, killed (i. e., 274), and half as many 2-year-olds as yearlings were allowed to return to the sea. This is a fair average of the work so far this season. (Chas. J. Goff, U. S. Chief Sp'l Agent in charge Seal Islands.)

*Monday, June 23, 1890.*—(p. 231.) The N. A. C. Co. made a drive from Tolstoi and Middle Hill, killing 521 seals. Seventy-five percent of the seals driven to the village were turned back into the sea, 10 per cent of these were 2-year-olds, balance yearlings. (C. J. Goff.)

*Tuesday, June 24, 1890.*—(p. 231.) N. A. C. Co., made a drive from Reef and Tolstoi, and killed 426 seals; about 65 per cent of this drive was turned back into the sea, about all of these were yearlings.

(C. J. Goff.)

But sworn proof is below that the yearlings do haul out as a class, and in the earliest June drives, and are never absent from them thereafter during the season.

Mr. ELLIOTT. Now as to yearlings on the islands. Here is an official report detailed day after day during the killing season of 1890, put on the files of the Treasury Department, and printed, and until the 1st of December, 1907, not a line had been issued from the Government officialism in charge of this business—not a line that says a single record of this work as to the killing on those islands in 1890 is improperly stated here. The only objection they make to it was that I officially assumed that driving these young and old seals hurt them. They claimed it did not hurt them, but that it did them good. We will leave that open. But the killing has hurt them; they admit that now officially. Let me read, on page 170:

"Monday, June 23, 1890. \* \* \* Eleven pods of 561 animals driven up;

lings and 2-year-olds. (Fur Seal Investigations, pt. 1, 1898, p. 99. Dr. D. S. Jordan, Rept. Feb. 24, 1898.)

110 of them killed or one-fifth taken, or 80 per cent turned away. All under 7-pound skins, with the exception of a few wigged 4-year-olds and a dozen or two old bulls. This gives a fair average of the whole drive to-day, some 2,500 animals, since 518 only were taken.

"\* \* \* Those turned away (nearly 2,000) were 95 per cent at least 'long' and 'short' yearlings."

That has never been disputed to this hour.

"June 21, 1890. \* \* \* At 7 a. m. I went down to the killing grounds and followed the podding and clubbing of the entire drive brought up from the Reef crest and Zoltoi bluffs this morning. The Zoltoi pod arrived on the ground long before the Reef pod—two hours sooner. It was made up largely of polseecatchie and yearlings.

"\* \* \* Seventy-five per cent of this drive was rejected. Every 3 and smooth 4-year-old taken and every long 2-year-old. Nothing under or over that grade.

"The seals released this morning were exclusively yearlings, 'short' 2-year-olds, and the 5 and 6 year old half bulls or polseecatchie. No 'long' 2-year-old escaped, and so, therefore, many 5½ and 6 pound skins will appear in this catch.

"In the afternoon I took a survey of Lukannon Bay and its hauling grounds. \* \* \* Thence over to Tolstoi sand dunes, where I saw about 600 or 700 yearlings, conspicuous by their white bellies.

\* \* \* \* \*

"June 26, 1890 (on p. 174). I walked over to the Zapadnie killing grounds this morning, arriving there about 9 o'clock. The drivers had collected a squad of about 340 holluschickie, which were clubbed thus—total 344 number driven, and number taken, 97, or about 72 per cent unfit to take, being made up chiefly of yearlings, 'short' 2-year-olds, and 'wigged' 4-year-olds, and 5-year up to 7-year old bulls."

I knew what I was talking about, and so did the lessees. They rejected the yearlings and the short 2-year-olds. (Hearing No. 2, pp. 40, 41, June 8, 1911, H. Com. Exp. Dept. C. and L.)

Jordan condemns the killing of yearlings by the old lessees in 1889:

For a time these more rigorous methods had the desired effect, but the scarcity of bachelors as a result of the decreasing birth rates made it necessary finally to lower the age for killable seals, so as to include, first, the 2-year-olds, and in the end many of the larger yearlings, in order to secure the requisite 100,000 skins. By

But he approves the killing of yearlings by the new lessees, 1896, in violation of the rules ordered May 14, 1896 (prohibiting that killing).

Last year (1896) the hauling grounds of the Pribilof Islands yielded 30,000 killable seals. During the present season a quota of only 20,890 could be taken. To get these it was necessary to drive more frequently and cull the animals more closely than has been done since 1889: The killing season was closed on July 27,

these methods it happened in 1889 that practically the whole bachelor herd of four years and under down to the yearlings was wiped out. The result was the abnormal drop to 21,000 in the quota of 1890. \* \* \*

It is not the intention here to justify the methods of killing employed in the closing years of the Alaska Commercial Co. Such killing ought never to have been allowed. \* \* \* (Fur Seal investigations, pt. 1, p. 124, 1898.)

For another part of the time this quota was too great, and this led to waste of another sort by involving the premature killing of the yearling and 2-year-old bachelors. (Fur Seal Investigations, pt. 1, p. 193.)

Dr. Jordan denies the appearance of female yearlings in the drives with male yearlings.

There remains to be recorded the arrival of the 1 and 2 year old females. Their brothers are found to arrive at the islands about the middle of July and spend their time on the hauling grounds. Whether the young females come with them to the vicinity of the islands or are associated with them on the migrations is not known. But they do not associate with them to any great extent on the islands. (Fur Seal Investigations, pt. 1, 1898, p. 66.)

Jordan makes denial of knowledge that the male and female yearling seals haul out together, or come together on the islands.

There remains to be recorded the arrival of the 1 and 2 year old females. Their brothers, we found, arrive at the islands about the middle of July and spend their time on the hauling grounds. Whether the young females come with them to the vicinity of the islands, or are associated with them on the migrations is not known. But they do not associate with them to any great extent on the islands. (Fur Seal Investigations, pt. 1, 1898, p. 66.)

1896. This year it was extended on St. Paul to the 7th of August, and on St. George to August 11. The quota to be taken was left to our discretion and every opportunity was given the lessees to take the full product of the hauling grounds. Notwithstanding all their efforts, the quota of 1897 shows a decrease of 30 per cent in the class of killable seals, and when we take into account the increased number of drives and the extension of the times of driving, the difference between the two seasons is even greater. (Fur Seal Investigations: Preliminary report of 1897: Treasury Doc. No. 1994, p. 18, Nov. 1, 1897.)

But Lembkey, with 13 years' experience, reports that the females do come out as yearlings with male yearlings.

On July 1 there were three yearling seals in the drives at North East Point. One of them, a typical specimen, was knocked down at my direction, to ascertain the weight of the skin. It was found to be a female.

Special attention was paid by me to the presence of yearlings in the drives. The first seen was on June 28 in a drive from Zapadne. It was so small that it was killed to determine its weight. It was a male. \* \* \* (Rept. W. I. Lembkey, Sept. 1, 1904, p. 77, App. A, H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

But Dr. Jordan's men take a male and a female yearling seal out of a drive from the hauling grounds, and send them as specimens to Stanford University.

*Sunday, September 27, 1896.*—(P. 12.) A barren cow shot on reef; skin taken for Stanford University. (P. 13.) The skin of a yearling bull smothered in the food drive from Lukannon<sup>1</sup> taken for Stanford University. (P. 14.) A yearling cow shot for purposes of dissection out of the drive from Lukannon. Skin taken for Stanford University. (Official Journal of the U. S. Agent, St. Pauls Island, entered on p. 53, and copied, July 24, 1913, by A. F. Gallagher.)

<sup>1</sup> That drive "from Lukannon" was made on July 27, 1896, from which those yearling male and female seals were secured, as above entered.—H. W. E.

Jordan makes denial of the male and female yearlings hauling out together.

There remains yet to be recorded the arrival of the young 1 and 2 year old females. Their brothers, we found, arrive at the islands about the middle of July, and spend their time on the hauling grounds. Whether the young females come with them to the vicinity of the islands or are associated with them on the migrations is not known. But they do not associate with them to any great extent on the islands. (Fur Seal Investigations, pt. 1, 1898, p. 66.)

Jordan denies seeing any yearling seals on the hauling grounds up to July 25, 1896.

*July 25, 1906.*—At the time of our first enumeration, on Ketavie, Tolstoi, and the Lagoon \* \* \* no yearlings nor 2-year-olds had appeared. Nor am I sure that any have appeared since, unless yearling cows are among the bachelors. I have not seen one, and I am not sure that I have seen a 2-year-old (cow). (Fur Seal Investigations, pt. 2, 1898, p. 341.)

Lembkey, with 13 years' experience, swears that the male and female yearlings do haul out together.

Mr. LEMBKEY. This habit of annually migrating from the place of its birth to southerly waters can be explained in a few words. Probably 90 per cent of all female breeders give birth to their pups within a period of three weeks, from June 25 to July 15 of each year. These pups remain on the islands until about November 1 to 15 of each year, and then depart southward. These pups return to the islands the following year practically in a mass about the 25th of July, and then are known as yearlings. While a few individuals might arrive among the first bachelors of the season, the bulk of the yearlings arrive in a mass about the 25th of July, as stated.

If these yearling seals do not arrive until after nearly the whole catch of the skins is obtained, how is it possible to compose the bulk of that catch of the skins of these young animals, as alleged by Mr. Elliott? (Hearing No. 9, pp. 412, 413, 415, Mar. 1, 1912, H. Com. Exp. Dept. Com. and Labor.)

Lembkey swears that he can not tell them apart by looking at them only.

Mr. LEMBKEY. But the younger females, and especially the 2-year-olds, are almost exactly similar in appearance to the males of the same age, and it requires an expert to distinguish between them. I can state that with 13 years of experience, I can not by any means always determine the sex of these animals while they are alive and when they appear on the killing field. (Hearing No. 9, pp. 377, 378, Mar. 1, 1912: H. Com. Exp. Dept. Com. and Labor.)

But ever since he landed, July 8, first on the islands, he has seen yearling seals on the hauling grounds, and notes that sight, as quoted below.

*July 11.*—Zapadnie Rookery, St. George Island: The yearling bachelors are to be seen in little pods of half a dozen or so. \* \* \* Where the bachelor yearlings are at a distance from interference, they play among themselves like little dogs. \* \* \* Similar comparisons might be made for the 2-year-olds, which are bigger than the yearlings, nearly as

Jordan's own associate will not vouch for his truthfulness.

Dr. EVERMANN. 4. The assumption that the rookeries are fullest between July 10 and 20 "every year, not a day earlier, not many days later," is not a safe assumption; in fact, it is not true.

Mr. ELLIOTT. Are you quoting Dr. Jordan?

Dr. EVERMANN. I am quoting some things that Dr. Jordan has said.

Mr. ELLIOTT. Is Dr. Jordan a man of truth?

The CHAIRMAN. You are quoting from Dr. Jordan?

Mr. ELLIOTT. I want to find if Dr. Jordan is a man of truth.

The CHAIRMAN. That is not for the witness to determine.

Mr. ELLIOTT. He is assailing me in that matter and quoting Dr. Jordan.

The CHAIRMAN. The witness can not say whether he is telling the truth or whether he is not.

Mr. ELLIOTT. I would like to have it go in the record whether he considers Dr. Jordan a man of truth.

The CHAIRMAN. The witness will proceed. (Hearing No. 10, p. 580, Apr. 20, 1912, H. Com. Exp. Dept. Com. & Labor.)

Jordan declares that up to July 25 he has not seen a virgin cow or nubile on the rookeries:

At the time of our first enumeration, on Keetavie, Tolstoi, and the Lagoon, the rookeries were at their height, with more cows present than at any one time since. But all were not in, and no yearlings nor 2-year-olds had appeared. \* \* \* I have never seen one, and I am not sure that I have seen a 2-year-old. (D. S. Jordan, July 25, 1897.) (Fur Seal Investigations, pt. 2, pt. 341, 1898.)

large as the cows. (Fur Seal Investigations, pt. 2, 1898, p. 300.)

*July 13.*—Ketavie Rookery, St. Pauls Island: The cows are almost as cowardly as the yearling bachelors \* \* \* (p. 302).

*July 13.*—Ardignen Rookery, St. Pauls Island: On Ardignen, one unlucky yearling male is seen to invade a harem, and get routed out by the hoarse and furious old bull \* \* \* (p. 302).

*July 15.*—Lukannon Rookery, St. Pauls Island: On Lukannon was seen a little cow, apparently a 2-year-old, with features of a yearling, and slender \* \* \* (p. 314).

*July 16.*—Northeast Point Rookery, St. Pauls Island: It appeared to be a large yearling, just getting its permanent teeth (p. 316).

*July 16.*—Reef Rookery, St. Pauls Island: These are apparently virgin 2-year-olds \* \* \* small side of the big bull (p. 319).

But his associates, Clark and Lucas, have seen virgin cows or nubles ever since July 3 on the rookeries:

*Lukannon, July 3, 1897.*—A small animal already noted \* \* \* a small 2-year-old is in a harem of 16 cows under the cliff. (F. A. Lucas, p. 544, pt. 2.)

*Keetavie, July 5, 1897.*—A little animal, probably a 2-year-old cow, is in a harem under the cliff. (G. A. Clark, p. 547, pt. 2.)

*Lukannon, July 10, 1897.*—Under the cliffs at Lukannon are five little animals. \* \* \* They look exactly like 2-year-old virgin cows. (F. A. Lucas, p. 551, pt. 2.)

*Zapadni, July 20, 1897.*—It is evident that the 2-year-olds are present in considerable numbers. (G. A. Clark, p. 566, pt. 2.) (Fur Seal Investigations, pt. 2, pp. 544-566, 1898.)

Jordan declares that the yearlings can not be told apart as to sex. Two seasons' experience:

Near by were two small seals in charge of a young half bull. The smaller one was shot and proved to be a yearling bull. It had all the appearances of a female, and Jacob said it was. The sacrifice of this yearling was valuable in showing how easy it is to be deceived \* \* \* there does not seem to be any characteristic which will surely determine the sex of the young animals other than those of the sexual organs themselves. (Fur Seal Investigation, pt. 2, p. 356, 1898.)

Lembkey says they can not be distinguished apart as to sex, 13 seasons' experience teaches him.

Mr. LEMBKEY. All the killable seals of those driven.

Q. But they were all yearlings?—A. They were all yearlings; no full-grown bulls. Those driven were immature seals.

Q. The statement has been made that it is hardly possible to distinguish the male and the female at that age?—A. At 2 years old?

Q. Yes; what is your opinion?—A. There is considerable difficulty in distinguishing the young males and females. There is considerable difficulty in distinguishing the male and the female yearling. They are both of the same size and general formation. It is almost impossible for anybody not an expert to pick them out and distinguish between them, and it is rather difficult, even for an expert; but of the 2-year-olds the females are not on the hauling grounds; they are on the breeding rookeries for their initial impregnation. The 2-year-old males, on the other hand, are on the hauling-out grounds. (Hearing on S. 9959, Feb. 4, 1911, Committee on Cons. National Resources, U. S. Senate, p. 10 ("Dixon hearing"), Rothermel reprint, May 20, 1911, H. Com. Exp. Dept. Com. and Labor.)

But Jordan says the female yearlings do not haul out with the males (yearlings). He knows because he examines them.

One by one the little yearlings had been drawn off until 17 had been examined. All were bachelors. \* \* \* Therefore there is nothing so far to show that the yearling females associate with the males on the hauling grounds, at least at this season. (Lukannon rookery, Aug. 1, 1896, p. 365.)

While Lembkey says they do haul out together. He knows because he kills and examines them.

On July 1 (1904), there were three yearling seals in the drive at Northeast Point. One of them, a typical specimen, was knocked down at my direction to ascertain the weight of the skin. It was found to be a female. (Rept. Sept. 7, 1904, to Sec. Com. and Labor, Lembkey, p. 77, Appendix A, H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

Jordan denies the appearance of any bulls under 8 years old on the breeding grounds:

LELAND STANFORD  
JUNIOR UNIVERSITY,  
OFFICE OF THE PRESIDENT,  
*Stanford University, Cal.,*  
*January 16, 1906.*

HON. THEODORE ROOSEVELT,  
*The White House, Washington, D. C.*

DEAR SIR: I beg leave to acknowledge the receipt of three documents, sent by Mr. Loeb, bearing on the fur-seal question, viz: (1) A memorandum to the President from Secretary Metcalf, (2) the printed report of the Secretary of the Department of Commerce and Labor, and (3) a letter addressed to Mr. Loeb by Mr. Henry W. Elliott.

I notice the notation of Mr. Elliott on the opening page of the report. He avers that the reduction of 58 per cent of male life on the breeding grounds is due alone to close killing on land since 1904. This is simply absurd. There could be no male life on the breeding grounds that was not 8 years old or over. \* \* \*

DAVID STARR JORDAN.

(Appendix A, p. 332; June 24, 1911.  
H. Com. Exp. Dept. Com. and Labor.)

Jordan asserts that Elliott's date for the "height of the season" is not true.

4. The assumption that the rookeries are fullest between July 10 and 20 "every year, not a day earlier, not many days later," is not a safe assumption; in fact, it is not true.

Mr. ELLIOTT. Are you quoting Dr. Jordan?

Dr. EVERMANN. I am quoting some things that Dr. Jordan has said.

Mr. ELLIOTT. Is Dr. Jordan a man of truth?

The CHAIRMAN. You are quoting from Dr. Jordan?

Mr. ELLIOTT. I want to find if Dr. Jordan is a man of truth.

The CHAIRMAN. That is not for the witness to determine.

Mr. ELLIOTT. He is assailing me in that matter and quoting Dr. Jordan.

The CHAIRMAN. The witness can not say whether he is telling the truth or whether he is not.

Mr. ELLIOTT. I would like to have it go in the record whether he considers Dr. Jordan a man of truth.

The CHAIRMAN. The witness will proceed. (Hearing No. 9, p. 580, Apr. 20, 1912; H. Com. Exp. Dept. Com. and Labor.)

But his own men and trained naturalist finds many of them busy as breeding bulls.

July 17.—I walked to Zapadni rookery and made a count of harems with Mr. Chester. The part of this rookery which in 1896-97 extended along the beach toward the watchhouse has entirely disappeared. The portion under the cliff has also shrunk.

Contrary to our usual experience with the young bull, a gray one not over 6 years old not only held a harem of three cows in a territory backed by idle bulls, but refused to yield ground to us in our efforts to reach a favorable observation point. In addition to his youth, the bull was handicapped by a stiff foreflipper.

Many young gray bulls are noted in the rookery and about it, and particularly in the larger harems are many of the 2-year-old cows. (Rept. Geo. A. Clark, Sept. 30, 1909, to Secretary Nagel; Appendix A, pp. 883, 892, June 24, 1911; H. Com. Exp. Dept. Com. and Labor.)

But Jordan's own "trained" expert says that Elliott's dates are correct, and he quotes them as such.

The breeding season, beginning about June 10 and extending to about August 10, reaches a climax, known as the "height of the season," about the 12th to the 18th of July. At this time the greatest number of cows are present, the harem discipline is rigid, and each family is definitely marked out. After this period the cows and pups scatter out and intermingle, the mother seals spend longer time at sea, the pups learn to swim, and the harem system breaks up.

*Harem counts.*—The counts of harems or breeding families were all made within the period of rookery life known as the "height of the season," between the dates of July 12 and 18, these dates corresponding in general to those on which the similar counts for 1897 were made. (Rept. Geo. A. Clark, Sept. 30, 1909, to Secretary Nagel; Appendix A, pp. 835, 838, June 24, 1911; H. Com. Exp. Dept. Com. and Labor.)



Jordan hopes that Elliott will approve "an effort" which will enable the pelagic sealers "to realize" on their "rights":

LELAND STANFORD  
JUNIOR UNIVERSITY,  
STANFORD UNIVERSITY, CAL.,  
November 6, 1909.

Mr. HENRY WOOD ELLIOTT,  
Cleveland, Ohio.

DEAR SIR: I have received from the Bureau of Fisheries a letter from you to Secretary Nagel, concerning the authorship of a chart which was inserted in my preliminary report on the fur seals in 1896.

\* \* \* \*

I take this opportunity to express the hope that you may approve of the effort to establish a *modus vivendi* for a time, without killing on land or sea, until the matter of pelagic sealing can be finally settled. To lease the islands again as things are would be a farce. I see some hope that an energetic discussion with Japan would be successful, and the Victoria people are anxious to realize on their rights.

Very truly, yours,  
DAVID STARR JORDAN.

To deceive Congress and influence pending legislation, Dr. Jordan sends the following false and defamatory telegram, which was used on the floor of the House of Representatives February 7, 1912; debate on H. R. 1671:

HON. WM. SULZER,  
House of Representatives, Washington, D. C.:

To incorporate a clause establishing in fur-seal bill a close season prohibiting killing of superfluous males would do no good to herd, but would kill treaty. No one knows this better than the pelagic sealers' lobby, which for 20 years has been led by Henry W. Elliott.

DAVID STARR JORDAN.

#### THE DEADLY PARALLEL.

Jordan reports that the Russians killed males and females alike—no discrimination:

*Russian management.*— \* \* \* Under the earlier years of its régime (Russian American Co.), however, the seals were indiscriminately slaughtered, females as well as males, \* \* \*. (Fur Seal Investigations, Part 1, 1898, p. 102.)

Elliott denies the "rights" of the pelagic sealers, and hopes that they will never get a penny for them:

17 GRACE AVENUE,  
Lakewood, Ohio, November 3, 1909.  
Dr. DAVID STARR JORDAN,  
Stanford University, Cal.

DEAR SIR: Your letter of the 6th instant has been duly received. With regard to that appearance of my track chart in your report of 1896, you seem to be not quite clear in your mind as to how it got in there as it did. Perhaps the following statement of fact may help you to know its publication there without that credit given to me as its author which is indisputably mine.

\* \* \* \*

With regard for the "rights" of those Victorian sea wolves, I hope that they will never get a penny for their rotting vessels or their "good will." They have had far, far too much already at the expense of humanity and decency. Let their vessels rot, and let their owners rot with them.

Very truly, yours,  
HENRY W. ELLIOTT.

PALO ALTO, CAL., February 5, 1912.

But Bishop Veniaminov, who spent the season of 1825 on St. Paul Island, denies Jordan's report.

[Translated by Dr. Leonhard Stejneger of Dr. Jordan's party.]

The taking of fur seals commences in the latter days of September. \* \* \*. The sikatchie and the females having been removed, the others are carefully driven to the place where they are to be killed, sometimes more than 10 versts distance \* \* \*.

When brought to the killing grounds the seals are rested for an hour or more, according to circumstances, and then killed with a club.

Jordan declares that Lembkey is not able to see things correctly and report:

What I meant by the statement that "the need of trained supervision is forcibly shown by the present confusion and doubt as to present conditions of the rookeries" is well shown by reference to Mr. Lembkey's report for the past year. The one important subject brought out by this report is the fact of a remarkable diminution of adult male life. He finds the reserve of idle bulls small. He deduces from this a "scarcity" of bulls. The bulls are said to be "amiable" because "overtaxed." On certain rookeries they have "lost control of the breeding grounds," with the result that the bachelors are "hauling among the cows." He states that he is sure "all the cows were served," but he finds that the bulls "are not present in sufficient numbers to maintain a first-class rookery service."

If this is true, it is a serious matter and needs careful looking after. In our recommendations of 1896-97 we classed as first and most important among the subjects to be determined by the naturalist to be placed in charge of the herd a "determination of the proportion of males necessary to attend to the needs of the female breeding herd." Attention was called to the fact that this was a question that could not be "determined in a single season, nor in two, possibly not in five." It is a question that can only be settled by a trained naturalist and investigator. All that Mr. Lembkey has contributed to this are certain superficial facts and certain deductions which may or may not be of value. They are as a matter of fact merely a reecho of very similar deductions made by Mr. Henry W. Elliott in 1890. Mr. Lembkey's report settles nothing and leaves only "confusion and doubt." (D. S. Jordan to President Roosevelt, Jan. 16, 1906, Appendix A., pp. 328-332, June 24, 1911, H. Com. Exp., Dept. Com. and Labor.)

Of those 1 year old, the males are separated from the females and killed, while the latter are driven carefully back to the beach. (Veniaminov, Russian killing on St. Paul Island, 1825-1834; Fur Seal Investigations, Part 3, p. 222, 1898.)

Lembkey cites a long list of Jordan's errors of observation, and declares Jordan a failure:

*Scientific supervision a failure.*—In the light of these statements of the efforts of scientists to prevent the decrease of seals by the application of methods on land which have been demonstrated unmistakably faulty, Dr. Jordan's dictum that the present need of these rookeries is the "trained supervision" which these scientists afford is open to contradiction. As a matter of fact, every suggestion made by scientists who have visited the island, outside the scope of scientific research, and designed to change existing methods on the islands, has resulted in failure. (W. I. Lembkey to Secretary Commerce and Labor, Feb. 8, 1906, Appendix A., pp. 334-344, June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

Jordan again emphasizes the "need" of a trained naturalist to ascertain the real facts—

I wish to emphasize again that in recommending the transfer of the fur-seal matter to the Bureau of Fisheries I had in mind the fact that this bureau could provide the scientific inspection and control necessary. I do not wish to embarrass the Secretary with suggestions as to the details of administration of the bureau under his charge. This would not be pertinent. If expert knowledge and supervision could be brought to bear on the control of the herd through any other method of administration than the one proposed the essential point would be met. It will be noted that in my memorandum only two of the four agents need be naturalists or have any connection with the Bureau of Fisheries. The addition of a naturalist to the present staff would answer the purpose if he had power to carry out his plans. (Appendix A: Jordan to President Roosevelt, Jan. 16, 1906, pp. 328-332; H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

Jordan declares that the folly and injury of the "seal corral" were not his idea, or of his order.

The plans of fencing and branding the seals were suggestions of earlier investigators which the commission of 1896-97 merely tested as a part of its duty. They were expected to assist only in the discouraging of pelagic sealing should other means of prohibiting it fail. It is true that many suggestions have been barren of practical results, but others arising from scientific sources, as the control of the parasitic worm, might be made fruitful under competent direction. Other ways of improving conditions on the rookeries would suggest themselves to a trained investigator. (D. S. Jordan to President Roosevelt: Jan. 16, 1906, Appendix A; pp. 328-332; June 24, 1911, H. Com. Exp. Dept. Com. and Labor.)

But Lembkey puts a "trained" naturalist's finding of "fact" up against Jordan.

On one occasion a celebrated naturalist, walking on the rookeries at Northeast Point, discovered what he supposed to be a number of dead seal cows and reported it to the Treasury agent in charge of St. Paul Island. The Treasury agent telephoned to the watchman at Northeast Point and ordered an investigation, and was shortly after amused by a report from the watchman that the dead animals supposed to be seal cows were in fact sea-lion pups and not fur seals at all. The story is repeated here not with the intention of ridiculing anyone, but for the purpose of showing that in matters pertaining to seal life practical experience is often of greater importance than abstract biological knowledge.

The foregoing facts are not adduced for the purpose of attaching discredit to anyone. Their citation here is excusable only in showing that, instead of the seal herds suffering from any lack of practical direction by biologists, every possible suggestion that could be made by as eminent a body of scientists as can be gathered in this country was adopted, fairly tried, and resulted in each case in the abandonment of the idea as impractical, if not positively dangerous. In the light of these facts the position assumed by Dr. Jordan that the need of such trained supervision of the herd is clearly shown is plainly untenable. (Appendix A: Lembkey to Secretary Commerce and Labor, Feb. 8, 1906, p. 339; H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

But Lembkey says that Jordan approved and directed this work of folly and injury.

MR. LEMBKEY. 2. A method was sought by the commission for the prevention on land of the killing of seals at sea and the redriving of ineligibles. The plan adopted was the erection by the natives, under direction of the agents, of about 4 miles of wire fencing around a salt lagoon and a fresh-water lake on St. Paul. Into these all bachelors rejected from the killing field were to be driven. After the 1st of August drives were to be made, also from the hauling grounds, and the animals obtained to be incarcerated in the inclosures without food for as long a period as possible, thereby reducing by thousands the available number of animals from which the pelagic sealers made their catches.

In evolving this theory, no account was taken by the scientists of the fact

that the fur seal is a creature wholly of instinct, and is not able to adjust itself to any new conditions which prevent it from following the course crystallized into habit by generations of reiterated action. The theory of herding these seals involved the necessity of confining them in places which, under normal conditions, they would never frequent, and for this reason could not be put into successful practice. The result of the inclosure of seals was disastrous. The animals were impounded by thousands. Once inside of the inclosure, finding their return to the rookeries impeded, the animals began following the inside line of fence, searching for egress. A path 20 feet wide inside the entire length of lagoon fence was worn bare of vegetation by these traveling seals. This movement was continued until many died of exhaustion. Over 20 carcasses were picked up in one day. They also fell into holes, from which they could not extricate themselves, and perished.

That greater numbers of these imprisoned animals did not die was due solely to the fact that they could not be confined in these inclosures over a day or two. Some climbed over the fence, displaying considerable agility in so doing; others, by main strength, tore holes in the stout wire netting and so escaped; others took advantage of depressions in the ground and forced their way out under the fence. I saw one great bull insert his nose among the wire meshes and by a magnificent display of the wonderful power of his neck muscles tear the wire as though it were rotten yarn. Emerging through the opening thus made, and catching sight of his comrades on the inside of the fence, he as readily tore another hole through the netting and stupidly rejoined his fellows on the inside. Had the wire netting been a tight board fence, the efforts of the imprisoned seals to escape would have resulted in the death, through exhaustion, of all confined.

These attempts at incarceration were carried on through several years, resulting in every case in the death of some animals imprisoned and the early escape of the remainder by their own efforts.

These facts outlined above have been reported to the department heretofore only by word of mouth, owing to a reluctance on the part of the agents to furnish any documentary evidence which could be used by Great Britain in any future arbitration proceedings that the death of seals was due in any way to methods practiced on land outside of the regular killing of bachelors. (Hearing No. 14 pp. 945, 946, July 27, 1912, H. Com. Exp. Dept. C. and I.)

Dr. Jordan denies his responsibility for the fencing and branding fiasco.

LELAND STANFORD JUNIOR  
UNIVERSITY,  
OFFICE OF THE PRESIDENT,  
Stanford University, Cal.,  
January 16, 1906.

HON. THEODORE ROOSEVELT,  
The White House, Washington, D. C.

The plans of fencing and branding the seals were suggestions of earlier investigators which the commission of 1896-97 merely tested as a part of its duty. They were expected to assist only in the discouraging of pelagic sealing should other means of prohibiting it fail.

Very respectfully, yours,

DAVID STARR JORDAN.

Jordan declares that his "scourge" of the fur seal has been overlooked by incompetent men.

That the herd should be put in charge of a competent naturalist was the sole important recommendation of the commission of 1896-97, as will be seen by reference to Chapter XIX, pages 191-193, of the first volume of the commission's final report.

It may be that I have underestimated the completeness of the reports of the local agents. As I look over those of Mr. Lembkey for 1904 and 1905 I find that they are filled with important data. He has evidently done his work well. The figures he gives regarding the condition of the breeding herd as shown by the comparative counts of the rookeries are instructive and show the continued decline of the herd under pelagic sealing. As I look through the reports, however, I see no mention whatever of the effects of the parasitic worm *Uncinaria*, which we found in 1896-97 to be responsible for the death of upward 12,000 pups, or practically 10 per cent of the birth rate of that year. This was one of the most important discoveries made by our commission. It is a destructive agency which should be fought. (D. S. Jordan to President Roosevelt, Jan. 16, 1906. Appendix A, pp. 328-332, June 24, 1911. H. Com. Exp. Dept. Com. and Labor.)

But the official record declares that these twin follies were ordered by him.

ST. PAULS ISLAND, ALASKA.

Monday, August 2, 1897.—Dr. Jordan sent five of his men, under Mr. Murray's charge, to lay out and dig post holes for the fence around the lagoon.

Wednesday, August 4, 1897.—Mr. Murray's men who were digging post holes for the lagoon fence have almost completed the job. \* \* \* From present indications Dr. Jordan and his able assistants will leave very little to be looked for in that direction in the future.

Wednesday, August 18, 1897.—Messrs. Warren and Farmer busy all day endeavoring to put the electrical branding machine in order. \* \* \* Messrs. Farmer and Warren are hopeful of making it a grand success. (Official entries in the Journal of the Government Agent in charge of the seal islands, St. Pauls Village.)

But Lembkey has furnished abundant competent evidence that Jordan's "scourge" is a myth to-day.

Mr. ELLIOTT. The sandworm, *Uncinaria*, "scourge" discovered by Jordan in 1897 is like the "trampled pups" of his "discovery" in 1896, a sporadic trouble, which has never been noted on the islands prior to 1891 or seen there since 1898. This I declared to be the case in 1872-1874, and again in 1890.

The Bureau of Fisheries in 1906 tried to find it, as follows (p. 663, Appendix A):

"In order, however, to ascertain the latest developments in seal life, Mr. H. C. Marsh, an expert in the diseases of fishes in the Bureau of Fisheries, was sent by Secretary Metcalf to the islands in the summer of 1906. Mr. Marsh arrived on the islands early in June of that year and remained there until the middle of the following August. He was rendered every assistance by the resident agents in his investigation.

"Dr. Jordan, in commenting on the report of Mr. W. I. Lembkey, agent in charge of seal fisheries (S. Doc. No. 98, 59th Cong., 1st sess.), contended that the number of bulls reported did not comprise all the bulls present, and in his memorandum he referred to the fact that deaths among seal pups due to *Uncinaria*, an intestinal parasite, were not reported.

"Mr. Marsh had instructions to investigate these two points particularly.

"In the matter of bulls, Mr. Marsh carried maps of the rookeries, and on these he

depicted the positions of the bulls found, with the exact number present when the respective counts were made. The number found was fewer than reported the preceding year, and verified the counts of the agent at that time.

"In regard to *Uncinaria*, Mr. Marsh, although on the rookeries daily from June 6 until July 28, found not a single case. At the latter date the further disturbance of the rookeries was prohibited, by order of Mr. Sims, on account of the activity displayed by the Japanese sealers in the vicinity of the islands. No naturalist has since visited the Pribilofs."

The last search for this "scourge" of Jordan's invention was made by Assistant Agent James Judge, who, in his report for 1909, dated March 8, 1910, says (p. 1173, Appendix A):

"Early in October, assisted by the natives, I made the regular enumeration of dead pups, a detailed account of which was forwarded Mr. Lembkey October 8, 1909. Dr. Mills and I autopsied a number of the dead from each rookery, the total aggregating 23. In making these post-mortems, the stomachs, livers, hearts, and lungs were cut into, and about 1 foot of the large and from 3 to 5 feet of the small intestine carefully examined. The autopsies showed that death resulted in 20 cases from starvation, in 1 from pneumonia, and in 1 from some cause unknown. One of pups autopsied was killed because found suffering and nearly blind from a disease of the eyes. The only parasites discovered were small threadlike worms found in the trachea of a pup from the reef. These parasites, together with the diseased eyes above noted, were sent to Mr. Chichester for further investigation. Dr. Stiles, to whom the worms were forwarded determined that they were a new species of the genus *Halarchne*." (Hearing No. 14, p. 945, July 27, 1912, H. Com. Exp. Dept. C. and L.)

Jordan asserts that the benefits of his work in 1896-97 "as a trained naturalist" have been lost by Lembkey.

The essential point is the expert study and inspection. After our exhaustive investigations of 1896-97, I made what I considered the one important recommendation—that the herd be placed in charge of a competent naturalist. Now, after eight years, during which much of the value of our work has been lost through failure to follow it up properly, I again make the earnest recommendation that the fur-seal herd be placed in charge of a trained naturalist. (D. S. Jordan to President Roosevelt, Jan. 16, 1906, Appendix A, pp. 328-334, June 24, 1911. H. Com. Exp. Dept. Com. and Labor.)

But Lembkey proves that nothing was lost, except for the gain of the public interests at stake.

3. The branding of female pups: As the catch of the pelagic sealers consists mainly of females, especially in Bering Sea, it was thought by the Jordan commission that any means adopted whereby the value of the skins so taken could be impaired would serve to deal the sealing industry a heavy blow.

From this idea the practice of branding female pups was evolved.

It consisted in herding the newborn pups on the several rookeries, segregating all females therein, and so searing their hides with red-hot irons that the hair follicles under the brand would be destroyed and the branded area be denuded of fur. During the year 1896 branding operations were carried on with vigor. Thousands of nurslings were branded with at least one brand, and a large number with two and sometimes three brands. They continued, but with less rigor, until 1903, when stopped by order of the department.

The main reason why branding females was not a success was that if the animal were seared so thoroughly as to destroy the commercial value of the pelt, the animal would die from the effects of the branding; if not branded in this wholesale manner, the value of the skin was not affected materially. In either case no appreciable injury to the pelagic catch resulted.

How many pups were permanently injured through branding, and thereby lost their lives in the water through inability to withstand the hardships of their first migration can never be known. The Indians along the Aleutian chain reported numbers of pups as being so injured by branding as to render their capture by bidarki hunters an easy matter. These reports, while creating a deep impression among outsiders that great injury to the herd through branding was being wrought, were not susceptible of confirmation. Complete statistics of the number of branded skins contained in the catches of the pelagic schooners are not obtainable. The number of such skins in the whole catches for 1899 and 1900 did not approximate over 75 skins each year. It was reported that the brands on these skins did not injure the value of the pelt over the amount of \$1. (W. J. Lembkey to Secretary Com. and Labor, Feb. 8, 1906, Appendix A, pp. 338, 339, June 24, 1911. H. Com. Exp. Dept. Com. and Labor.)



Mr. STEPHENS. On June 20, 1913, as a part of the above report, Mr. Elliott also filed the following tabulated statement:

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If the 12,920 Fur-seal Skins Taken on the Pribilof Islands were Properly Skinned when Taken June-July, 1910, and Sold on the Basis of Weight per Skin, then the Following Record is Made by Their Sale, in London, Dec. 16, 1910, to wit:

CATCH OF 1910. (See pp. 131, 135, Hearing No. 3.)				
3,032 fur-seal skins, each weighing 6 pounds 7 ounces, were sold.....	December 16, 1910, for..	\$41.00 per skin, or.....	\$125,312	
But those 3,032 fur-seal skins, each weighing 6 pounds 7 ounces, should and would have sold, <i>if properly skinned</i> , December 16, 1910, for..	December 16, 1910, for..	\$54.40 per skin, or.....	\$164,940, showing a loss of.....	\$39,628 on this grade of skins, or 2-year-old skins, or "large pups."
4,899 fur-seal skins, each weighing 5 pounds 12 ounces, were sold.....	December 16, 1910, for..	\$31.00 per skin, or.....	\$151,868	
But those 4,899 fur-seal skins, each weighing 5 pounds 12 ounces, should and would have sold, <i>if properly skinned</i> , December 16, 1910, for..	December 16, 1910, for..	\$41.00 per skin, or.....	\$200,857, showing a loss of.....	\$68,990 { on this grade of skins, or "long yearlings" and "short" 2-year-olds: "middling pups."
1,266 fur-seal skins, each weighing 5 pounds 5 ounces, were sold.....	December 16, 1910, for..	\$28.50 per skin, or.....	\$36,081	
But those 1,266 fur-seal skins, each weighing 5 pounds 5 ounces, should and would have sold, <i>if properly skinned</i> , December 16, 1910, for..	December 16, 1910, for..	\$41.00 per skin, or.....	\$51,906, showing a loss of.....	\$15,825 { on this grade of skins, or "long yearlings" and "short" 2-year-olds: "middling pups."
713 fur-seal skins, each weighing 7 pounds 2 ounces, were sold.....	December 16, 1910, for..	\$54.40 per skin, or.....	\$37,787	
But those 713 fur-seal skins, each weighing 7 pounds 2 ounces, should have sold, <i>if properly skinned</i> , December 16, 1910, for..	December 16, 1910, for..	\$60.00 per skin, or.....	\$42,780, showing a loss of.....	\$4,993 on this grade of skins, or "2-year-olds," or "small."
This gives us a total of 9,910 skins which are clearly certified as to weights ( <i>p. 131, Hearing No. 3</i> ), which sold for.....\$350,847.00, and should have sold for.....\$480,293, thus showing a loss of \$129,446 in this sale to the Government.				
Then there are left 3,010 skins which are not so clearly certified as to weights ( <i>p. 131, Hearing No. 3</i> ), which sold for.....\$86,263.00, and which should have been sold for \$114,584, thus showing a loss of \$28,321 in this sale to the Government.				
Or a total loss of.....\$157,767 in this sale to the Government.				
Or, to recapitulate: 12,920 skins sold for \$437,110, which, if weighing as recorded <i>and properly skinned</i> , should and would have sold for \$594,877.				

If the 12,002 Fur-seal Skins Taken on the Pribilof Islands were Properly Skinned when Taken June-July, 1911, and Sold on the Basis of Weight per Skin, then the Following Record is Made by Their Sale, in London, on Dec. 15, 1911, to wit:

CATCH OF 1911. (See pp. 729, 730, Hearing No. 12.)				
4,131 fur-seal skins each weighing 6 pounds 8 ounces were sold.....	December 15, 1911, for..	\$42.00 per skin, or.....	\$173,502	
But those 4,131 fur-seal skins each weighing 6 pounds 8 ounces should and would have sold, <i>if properly skinned</i> , December 15, 1911, for..	December 15, 1911, for..	\$6.00 per skin, or.....	231,336, showing a loss of....	\$57,834 on this grade of skins, or 2-year-old skins, or "large pups."
5,305 fur-seal skins each weighing 5 pounds 13 ounces were sold.....	December 15, 1911, for..	\$2.00 per skin, or.....	169,760	
But those 5,305 fur-seal skins each weighing 5 pounds 13 ounces should and would have sold, <i>if properly skinned</i> , December 15, 1911, for..	December 15, 1911, for..	\$42.00 per skin, or.....	222,810, showing a loss of....	53,050 { on this grade of skins, or "long" yearlings, and "short" 2-year-olds, or "middling pups."
942 fur-seal skins each weighing 5 pounds 8 ounces were sold.....	December 15, 1911, for..	\$30.00 per skin, or.....	28,260	
But those 942 fur-seal skins each weighing 5 pounds 8 ounces should and would have sold, <i>if properly skinned</i> , December 15, 1911, for..	December 15, 1911, for..	\$40.00 per skin, or.....	37,680, showing a loss of....	9,420 { on this grade of skins, or "long" yearlings and "short" 2-year-olds, or "middling pups."
This gives us a total of 10,378 skins which are clearly certified as to weights ( <i>pp. 729, 730, Hearing No. 12</i> ) which sold for.....\$371,552.00 and should have sold for 491,826, thus showing a loss of 120,304 in this sale to the Government.				
Then there are left 1,624 skins which are not so clearly classified as to weights ( <i>pp. 729, 730, Hearing No. 12</i> ) which sold for.....\$1,968.00 and should have sold for 69,291, thus showing a loss of 17,323 on this sale to the Government.				
Or a total loss of.....137,627 on this sale to the Government.				
Or, to recapitulate: 12,002 skins sold for \$423,523, which, if weighing as recorded <i>and properly skinned</i> , should and would have sold for \$561,150.				

If the 3,773 Fur-seal Skins Taken on the Pribilof Islands were Properly Skinned When Taken June-July, 1913, and Sold on the Basis of Weight per Skin, then the Following Record is Made by Their Sale in London, Jan. 17, 1913, to wit:

CATCH OF 1912. (See Catalogue London Sales, Jan. 17, 1913.)				
3,773 skins taken in June and July, 1912: Sold January 17, 1913, thus (taken from the London sales catalogue):				
1,593 fur-seal skins, each weighing 6 pounds 7 ounces, were sold.....	January 17, 1913, for..	\$42 per skin, or.....	\$66,806.	
But those 1,593 fur-seal skins, each weighing 6 pounds 7 ounces, should and would have sold, <i>if properly skinned</i> , January 17, 1913, for..	January 17, 1913, for..	\$56 per skin, or.....	\$89,208, showing a loss of.....	\$22,402 on this grade of skins, or "2-year-olds," or "large pups."
1,186 fur-seal skins, each weighing 5 pounds 12 ounces, were sold.....	January 17, 1913, for..	\$32 per skin, or.....	\$37,952.	
But those 1,186 fur-seal skins, each weighing 5 pounds 12 ounces, should and would have sold, <i>if properly skinned</i> , January 17, 1913, for..	January 17, 1913, for..	\$42 per skin, or.....	\$49,812, showing a loss of.....	\$11,860 on this grade of skins, or "long" yearlings and "short" 2-year-olds, or "middling pups."
871 fur-seal skins, each weighing 7 pounds 2 ounces, were sold.....	January 17, 1913, for..	\$52 per skin, or.....	\$45,292.	
But those 871 fur-seal skins, each weighing 7 pounds 2 ounces, should and would have sold, <i>if properly skinned</i> , January 17, 1913, for..	January 17, 1913, for..	\$60 per skin, or.....	\$50,260, showing a loss of.....	\$4,968 on this grade of skins, or 3-year-olds, or "small."
This gives a total of 3,647 skins which are clearly shown as by weights (London sales list), which sold.....January 17, 1913, for..\$150,050, and should have sold for..\$189,280, thus showing a loss of \$39,230 on this sale to the Government.				
Then there are left 126 skins which are not in doubt as prime 3-year-olds, which sold for \$58.60 each, or a total of.....\$8,383.60 upon which no loss was sustained.				
Or to recapitulate, 3,773 skins sold for \$158,433, which, if weighing as recorded, and properly skinned, would have sold for \$197,663.				



Mr. STEPHENS. Now, Mr. Chairman, with reference to this matter, I move to receive and adopt the report of Messrs. Elliott and Gallagher, the supplemental report of Henry W. Elliott and the tabulated statement, and that they be made and printed as a part of the hearings of this committee, and that the chairman be authorized to furnish all parties mentioned in the said report with copies thereof.

(The motion was seconded by Mr. Watkins and unanimously adopted.)

Mr. STEPHENS. I move that the committee do now adjourn, subject to the call of the chairman, for the purpose of investigating matters of expense of the agents of the committee already mentioned.

(The motion was seconded and adopted, and the committee thereupon adjourned subject to the call of the chairman).





# INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
*Friday, February 20, 1914.*

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel, of Pennsylvania (chairman), presiding.

Present: Mr. Rothermel, Mr. Stephens, Mr. Watkins, Mr. Walsh, Mr. McGuire, and Mr. Patton.

## TESTIMONY OF MR. GEORGE A. CLARK, SECRETARY OF STANFORD UNIVERSITY.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. CLARK. My name is George A. Clark.

The CHAIRMAN. What is your business or occupation?

Mr. CLARK. University secretary at Stanford University.

The CHAIRMAN. How long have you been secretary of that university?

Mr. CLARK. About 15 years.

The CHAIRMAN. Who is president of the university?

Mr. CLARK. Dr. John Casper Branner.

The CHAIRMAN. Are you in any way connected now with the Government?

Mr. CLARK. No; I am not.

The CHAIRMAN. Were you connected with the Fur Seal Commission; if so, when?

Mr. CLARK. I was the secretary of the Bering Sea Fur Seal Commission of 1896 and 1897.

The CHAIRMAN. Have you had any other connection with either the Bureau of Fisheries or the Department of Commerce and Labor?

Mr. CLARK. I was sent to Bering Sea in 1909 to review the work of 1896 and 1897 for the Bureau of Fisheries.

The CHAIRMAN. That was in 1896 and 1897?

Mr. CLARK. Well, I went in 1909, I say, for the Bureau of Fisheries to review the conditions of 1896 and 1897 in the light of the conditions at that time.

The CHAIRMAN. In what capacity did you go up there?

Mr. CLARK. As a special assistant.

The CHAIRMAN. Of what?

Mr. CLARK. Of the Bureau of Fisheries.

The CHAIRMAN. Of the Department of Commerce and Labor?

Mr. CLARK. Yes; that is, my appointment was by the Commissioner of Fisheries, approved by the Secretary of Commerce and Labor.

The CHAIRMAN. And you were a special assistant, you say?

Mr. CLARK. Yes.

The CHAIRMAN. Were you sworn then as a special assistant of the Department of Commerce and Labor?

Mr. CLARK. Well, I do not quite understand that. I was simply appointed, issued a formal appointment with instructions, and ordered to go north; that is all. I did not appear in Washington to swear to anything, or anything of that kind.

The CHAIRMAN. Then you were not sworn at all?

Mr. CLARK. Well, not that I remember of. I was sworn in 1896 and 1897, but I do not recall an event of that kind in 1909.

The CHAIRMAN. Are you quite sure about it? There may be a record of it. I think you ought to tax your memory sufficiently to be sure about it.

Mr. CLARK. I would have to say that I have no recollection whatever of it. I was simply appointed as a special assistant in order to go up there for this purpose.

The CHAIRMAN. Where were you when you were appointed?

Mr. CLARK. At Stanford University.

The CHAIRMAN. How did you happen to be appointed while you were there?

Mr. CLARK. Well, having been secretary of the commission in 1896 and 1897, when the advisory board of the fur seal service was arranged for, Dr. Jordan then president of Stanford, being the chairman of the advisory board, suggested or recommended that the work of 1896 and 1897 be reviewed and the condition of the herd in 1909 compared carefully with its condition in 1896 and 1897, to form a basis for any action which the advisory board might take, and as I was connected intimately with all the work in 1896 and 1897 done by that commission, he recommended that I be sent up there.

The CHAIRMAN. Then it was on Jordan's recommendation that you were sent up there?

Mr. CLARK. I believe that all the members of the advisory board were communicated with regarding the matter.

The CHAIRMAN. Yes; but I think you have just said you were recommended by Dr. Jordan.

Mr. CLARK. Yes; he considered it would be best I should do that work.

The CHAIRMAN. How and by whom were you notified that you were appointed special assistant?

Mr. CLARK. By the Commissioner of Fisheries.

The CHAIRMAN. Who was the Commissioner of Fisheries?

Mr. CLARK. Hon. George M. Bowers.

The CHAIRMAN. Did you receive a letter from him or a telegram?

Mr. CLARK. I received a telegram and a letter also. The letter, of course, contained the instructions.

Mr. ROTHERMEL. Have you the letter with you?

Mr. CLARK. I do not believe I have; no. I think, though, it is already published in appendix A of the hearings.

The CHAIRMAN. I think it is made a matter of public record in the bureau, is it not?

Mr. CLARK. Yes.

The CHAIRMAN. I mean, whatever communications you had?

Mr. CLARK. I should expect so. Of course, I know nothing about that.

The CHAIRMAN. When did you go to the islands?

Mr. CLARK. I left Stanford University about the 21st of June, but was delayed in Seattle because several steamers had been taken off and it was necessary to go to Nome and then come down from Nome to the Pribiloff Islands, so that I arrived on the Pribiloff Islands on or about the 12th of July.

The CHAIRMAN. You went up there for the purpose of examining the condition of the herd and comparing it with what you discovered in 1896 and 1897?

Mr. CLARK. Yes; specifically to make a census of the herd on exactly the same basis that the Canadian commissioner, James Macoun, and myself made the census of 1896 and 1897.

The CHAIRMAN. You made a report?

Mr. CLARK. I made a report; yes, sir.

The CHAIRMAN. That was on the 30th of September, 1909?

Mr. CLARK. Yes.

The CHAIRMAN. Where did you send that report?

Mr. CLARK. I sent it to the Commissioner of Fisheries.

The CHAIRMAN. While you were on the islands you noticed the killing day after day, did you not, and reported that to the department?

Mr. CLARK. Yes, sir; I reported on the killings.

The CHAIRMAN. You saw the killing on the part of the lessees and the agents of the Government?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Whom did you see on the part of the company on the islands?

Mr. CLARK. In what way? You mean who were present?

The CHAIRMAN. Yes; on the islands while you were there.

Mr. CLARK. Mr. J. C. Redpath was the representative of the company in charge.

The CHAIRMAN. I mean in 1909.

Mr. CLARK. I mean in 1909.

The CHAIRMAN. He was in charge of the company's interests?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Who else was there on the part of the company?

Mr. CLARK. Well, Dr. H. C. Mills was the physician on St. Paul Island.

The CHAIRMAN. Was he interested in the company?

Mr. CLARK. He was the physician employed by the company to take care of the natives.

The CHAIRMAN. Where does he live?

Mr. CLARK. He lives in Berkeley, Cal., at the present time.

The CHAIRMAN. How did the company happen to employ a physician there?

Mr. CLARK. The lease required them to employ a physician and also a school-teacher.

The CHAIRMAN. Who else was there on the part of the company, if anybody?

Mr. CLARK. I do not recall the names of the different subordinate officers. There was a physician on each island. The one on St. George, I believe, was Dr. Pond.

The CHAIRMAN. Do you know his initials?

Mr. CLARK. I think it is Charles Gardner, but I did not pay much attention to them. Those men had little to do with our work. I did not need their services as a physician and did not get very well acquainted with them.

The CHAIRMAN. Who did the actual killing on the islands while you were there?

Mr. CLARK. It was done by the lessees under the direction of the agents of the department.

The CHAIRMAN. Who were the agents of the department?

Mr. CLARK. Mr. Walter I. Lembkey was the chief agent, Mr. James Judge was an assistant agent, and Mr. Harry Chichester was the third agent.

The CHAIRMAN. Anybody else?

Mr. CLARK. I do not recall whether Maj. Ezra W. Clark was present there or not, but I believe he was the fourth agent.

The CHAIRMAN. You made notes of your observations as you went along day after day, did you not?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Have you your original notes with you?

Mr. CLARK. No; I have not my original notes.

The CHAIRMAN. Have you carbon copies of them?

Mr. CLARK. No, I have not; that is, I am relying upon the published report. Of course, I sent my papers to the department and did not have a carbon copy left when I was through.

The CHAIRMAN. But your original notes, are they not in existence?

Mr. CLARK. They are in the department. They were filed with the original report.

The CHAIRMAN. I mean what you would call field notes or whatever observations you made as you went along.

Mr. CLARK. They are published in full in my report in Appendix A, for example.

The CHAIRMAN. But do you have them in your possession?

Mr. CLARK. I submitted them to the Department of Commerce or to the Bureau of Fisheries with my report.

The CHAIRMAN. I know; but did you leave them there?

Mr. CLARK. With the Commissioner of Fisheries?

The CHAIRMAN. Yes.

Mr. CLARK. Certainly, yes.

The CHAIRMAN. Then they are on file in the bureau, are they?

Mr. CLARK. Yes.

The CHAIRMAN. I mean your original notes.

Mr. CLARK. Just what do you mean?

The CHAIRMAN. Your notes as you made them day after day.

Mr. CLARK. I ran them off on a typewriter in the office up there and made the necessary copies and filed them right as they stood.

The CHAIRMAN. Well, where are your original notes?

Mr. CLARK. They are with my report in the Bureau of Fisheries.

The CHAIRMAN. You mean the originals, now?

Mr. CLARK. Yes; that is, I made them on the islands with the typewriter there at hand. When I came in in the evening I wrote out my notes from the brief jottings taken in shorthand on the rookeries as I went along day after day.

The CHAIRMAN. But they are not embodied in your report that you filed?

Mr. CLARK. Oh, yes, they are.

The CHAIRMAN. The appendix is attached to your report?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Are those your notes as you made them on the islands?

Mr. CLARK. Yes sir; day after day.

The CHAIRMAN. Now I understand you. The report you made was directed to the Secretary of Commerce and Labor, was it not?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And you made it out just exactly as you discovered conditions on the islands?

Mr. CLARK. Yes, sir.

The CHAIRMAN. On page 866 of Appendix A you will notice in your report the following:

The young males set aside for breeding purposes having been marked, the lessees have been free to take what they could get, and this resulted in their taking practically all of the bachelors appearing on the hauling grounds.

That is correct, is it?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And that is what you stated?

Mr. CLARK. Yes. Shall I have an opportunity to explain?

The CHAIRMAN. Oh, yes. You have answered the question directly and now you can explain.

Mr. CLARK. The killing of 1909 was close. That is, as compared with the killing of 1896-97, it was very different and very close, and it is literally true that there were practically no small seals present on the hauling grounds when the killing season was over. Now at that time I was——

The CHAIRMAN (interposing). Mr. Clark, just let me suggest to you that I will ask you other questions about that when we come to small seals, so we will not get mixed up about it.

Mr. CLARK. But I want to be sure not to leave that point in that way.

The CHAIRMAN. If I forget it you can explain it then.

Mr. CLARK. Yes.

The CHAIRMAN. Now then, on page 867 of Appendix A the following appears:

If not in name, in fact at least, the leasing company has been in supreme authority on the islands during the past season.

Is that correct?

Mr. CLARK. I considered it so.

The CHAIRMAN. You considered it so?

Mr. CLARK. What——

The CHAIRMAN (interposing). Now this is in your report.

Mr. CLARK. Yes, sir.

The CHAIRMAN. As you made it to the Department of Commerce and Labor.

Mr. CLARK. Yes.

The CHAIRMAN. Now, have you an explanation to make as to that?

Mr. CLARK. Yes, sir. The conditions of the lease required the lessees to provide a physician, a school-teacher and a storekeeper, and naturally they would have superintendents on the Islands, this gave them five representatives against the Government's two. The

company had five efficient, intelligent, and experienced representatives in charge of their interests while the Government had two representatives; and I do not wish this statement at all to reflect upon the Government's representatives. But they were not in the majority, and therefore I considered that the control of the leasing company was supreme to that extent—that they could outvote and outnumber the Government's representatives, and it was on that ground that I objected to the releasing of the islands and to the continuation of the dual control of the lessees and the Government in charge of the herd.

The CHAIRMAN. Then did you consider this was a case of majority in numbers or of physical force, or what is your idea about that?

Mr. CLARK. It was not a matter of physical force because the relations were amicable enough. The company was obeying the conditions of its lease and there was no real ground for trouble, and the real point of my criticism in that case was with reference to the future. As I point out here in my report, with a declining herd this situation did not cut any figure. The desire of the lessees was to get every skin they could, with a declining catch and a rising price; but the herd needing fewer males every year, this was a matter of no particular moment. If, however, pelagic sealing should stop and the herd begin to go up, the same forces would be at work and would occasion a result detrimental to the interests of the herd.

The CHAIRMAN. Will you turn to page 888 of Appendix A, which is part of your printed report, and on that page the following appears:

As the end of the killing season approaches it is plain that no seal is really too small to be killed.

and on page 866 of Appendix A you say:

In the eagerness to see that no possible bachelor escapes, the edges of the rookeries are encroached upon and cows included in the drives.

Mr. CLARK. Yes, sir.

The CHAIRMAN. That is all true, is it?

Mr. CLARK. Yes, sir; subject to the explanation which I want to be sure to make.

The CHAIRMAN. Yes; you say that is true. What explanation will you make as to that?

Mr. CLARK. In the first place, with regard to the taking of cows in the drives, after the 25th of July the breeding season breaks up, the older bulls withdraw, and the young bulls push their way into the breeding grounds. There is a period of breaking up which causes a certain amount of mingling of the seals; that is, the bachelors are not held off by the barrier of adult bulls, and they come closer to the breeding ground. Later on, the bachelors mix in with the cows in those drives, occasionally cows are brought in. This remark was based on the fact that there were about 8 or 10, or perhaps as many as 20, cows in this drive.

The CHAIRMAN. Were they killed?

Mr. CLARK. They were not killed and they were carefully excluded. I want to bear testimony to the skill of those natives in distinguishing those animals, because they were not killed except in accidental cases. I do not know of any, but there might have been accidental cases.

The CHAIRMAN. Yes. I did not see that in your report. Now, is that your explanation of that matter?

Mr. CLARK. Yes. Now, as to the young seals——

The CHAIRMAN. All right; you can explain that now.

Mr. CLARK. When I say that all of the seals that appeared on the hauling grounds were killed, I mean merely that all of the two-year-old animals were included in the quota of 1909, or practically all of them. Of course, I do not say all of them reached the islands, but such as were taken. I do not mean that yearlings were killed distinctly. At that time I was not absolutely sure of my position in that matter. You will note I have stated here in my 1909 report, at the bottom of page 853:

For the season of 1909 there is every indication that the lessees have taken every available bachelor above the age of 1 year, with the exception of the marked reserve.

That is my statement and decision after consideration of all the factors entering into the problem. Now the question has been raised on the basis of a remark made on page 851, that I declare there that yearlings were killed in 1909. The critical point in that statement is this:

During the present season and for some seasons past, a minimum of 5 pounds has been in force, the skins taken ranging in weight all the way from 4 to 14½ pounds bringing all classes of animals from yearlings to 4-year-olds into the quota.

The CHAIRMAN. Then why did you say a little while ago that no yearlings were killed?

Mr. CLARK. I did not mean to say that out and out.

The CHAIRMAN. Is it not a fact that yearlings were killed? Is not that your statement now?

Mr. CLARK. I wish to explain that.

The CHAIRMAN. Answer first yes or no and then explain it.

Mr. CLARK. A few yearlings were killed, yes. Now I would like to call your attention to page 875, which is the basis for that remark.

The CHAIRMAN. Now just go on and explain it, but I think I will cover that pretty well as we go along. On page 893 of Appendix A——

Mr. CLARK (interposing). Could we look at 875 so as not to miss the connection?

The CHAIRMAN. Yes.

Mr. CLARK. At the bottom of page 875 is a table which gives the weights of skins for the seasons of 1904, 1905, 1907, 1908, and 1909. You will note there was one skin weighing 3¾ pounds in 1907. There were 5 skins in 1904, 17 in 1905, 3 in 1907, and 5 in 1908, that weighed 4 pounds. There were 6 skins in 1904, 33 in 1905, 2 in 1907, 17 in 1908, 1 in 1909, that weighed 4½ pounds.

Mr. PATTON. That was 4¼ pounds, was it not?

Mr. CLARK. Yes; 4¼. Thirty-two in 1904, 106 in 1905, 15 in 1907, 13 in 1908, and 2 in 1909 weighed 4½ pounds; 72 in 1904, 139 in 1905, 2 in 1907, 3 in 1908 and 13 in 1909 weighed 4¾. Now those were yearlings. I admit that, and there is the number, about 500 in 5 years.

The CHAIRMAN. Now, Mr. Clark, you say you give the weights in your table?

Mr. CLARK. Yes, sir. Those were taken from the island records.

The CHAIRMAN. They were taken from the record as made by the Government agents and the sealing company?

Mr. CLARK. Yes.



The CHAIRMAN. You took it from that and from nothing else?

Mr. CLARK. Well, I considered that official, of course.

The CHAIRMAN. Well, I mean you did not examine them and you did not weigh the skins, did you?

Mr. CLARK. I was present at the weighing of the skins of 1909.

The CHAIRMAN. Did you then take the report of the agents?

Mr. CLARK. Yes.

The CHAIRMAN. And that is where you get this table?

Mr. CLARK. Yes, sir; but what I want to make clear at this point is this: We will admit that about 500 skins in the five years were below the weight of 5 pounds, which was the legal weight. It was the intent of the regulations that the killing should not be below 5 pounds. Now, might I explain further what I consider the reasons for the killing of those animals?

The CHAIRMAN. Yes; you can explain anything you like.

Mr. CLARK. The law does not prohibit the killing of yearlings. It says, "Animals under one year," but the regulations have fixed a minimum limit at various times. In 1896-97 the limit was 6 pounds, in 1904 it was 5½ pounds, and since 1906 it has been 5 pounds. The reason for fixing 5 pounds as a limit of 2-year-old skins, or the limit below which yearlings would be taken, was that Mr. Henry W. Elliott in 1872-1874 established 4½ pounds as the average weight of a yearling sealskin. Four and one-half has been considered as the average of skins ranging from 4 pounds to 5 pounds; in other words, 5 pounds is the maximum weight, or 4 pounds and 15 ounces, of a yearling skin. That is why 5 pounds has been fixed as the minimum limit of killing, because that limit is supposed to protect the yearlings fully. This statement of weights of skins, which nobody has questioned——

The CHAIRMAN (interposing). Why not leave the standard at 6 pounds? That would be better protection, would it not?

Mr. CLARK. No; that would merely mean that the 2-year-olds were protected as well as the yearlings.

The CHAIRMAN. Then why not leave it at 6 pounds? Why reduce it to 5 pounds?

Mr. CLARK. Because there is no reason why 2-year-olds should not be killed.

The CHAIRMAN. Why should it not stay at 5½ pounds, then?

Mr. CLARK. Well, I do not know.

The CHAIRMAN. But you ought to know. You gave us your explanation as to why this reduction was made. Why not leave it at 5½ pounds?

Mr. CLARK. I suppose the intention was to get all the 2-year-olds.

The CHAIRMAN. And no yearlings?

Mr. CLARK. No yearlings, because no yearlings would be taken until you got below 5 pounds.

The CHAIRMAN. How about blubber? If you put blubber on it would make it easier for them to weigh 5½ pounds.

Mr. CLARK. Of course; that matter of blubber, I do not agree to that.

The CHAIRMAN. But if the skins were blubbered, that would make the skin of a small seal weigh 5½ pounds.

Mr. CLARK. No; the blubber on the skin of a large seal, would be in proportion. It would not make a particle of difference in the amount of blubber or the ability to put blubber on or take it off.

The CHAIRMAN. But it would make a difference in the weights, would it not?

Mr. CLARK. It would make a difference in proportion. If you put additional blubber on a big skin, it would be just that much heavier, and if you put blubber on a little skin it would be that much heavier.

The CHAIRMAN. Did you know that Carlisle had issued regulations that were in force on the islands in 1896 prohibiting the killing of yearling seals?

Mr. CLARK. No; I was not aware in 1896-97 of that fact.

The CHAIRMAN. Do you know now about those regulations on the islands?

Mr. CLARK. I know it from the last hearing only.

The CHAIRMAN. And that also provided that no seal weighing less than six pounds should be killed.

Mr. CLARK. That was for the year 1896 alone. That is specifically stated to be for the year 1896 alone, as will be seen by the document itself.

The CHAIRMAN. Then you know that was limited to 1896?

Mr. CLARK. Yes; I know it was also enforced. Although we knew nothing of the Carlisle rules, we were definitely informed that no killing under 6 pounds was allowed, and as we knew that the average skin of a yearling was  $4\frac{1}{2}$  pounds, we knew that protected not only the yearlings, but a large part of the 2-year-olds.

The CHAIRMAN. Is it not your judgment, Mr. Clark, that a 6-pound limit would be a better protection than a 5-pound limit?

Mr. CLARK. No, it is not. It would offer no protection to anything except the 2-year-old animals. Of course if you want to except the 2-year-old animals from killing 6 pounds would be your limit.

The CHAIRMAN. Then it was later reduced to  $5\frac{1}{2}$  pounds?

Mr. CLARK. It was reduced to  $5\frac{1}{2}$  pounds in 1904.

The CHAIRMAN. That was after the Hitchcock rules were in force?

Mr. CLARK. That was the Hitchcock rule.

The CHAIRMAN. Did that prohibit the killing of any seals weighing less than 5 pounds or 6 pounds or  $5\frac{1}{2}$  pounds?

Mr. CLARK. Five and one-half pounds. It prohibited the killing of any animal that had a skin of less than  $5\frac{1}{2}$  pounds.

The CHAIRMAN. Is it not your judgment that that standard should prevail as a matter of safety?

Mr. CLARK. Not necessarily at all.

The CHAIRMAN. Would it not be an easier matter to put a little more blubber to a skin and make it weigh  $5\frac{1}{2}$  pounds, if it was the skin of a yearling?

Mr. CLARK. Of course, as a physical fact it would be easier to do that.

The CHAIRMAN. Is it not your opinion as an expert that that is so?

Mr. CLARK. Well, I will admit that, but I want to finish my explanation about the yearlings first.

The CHAIRMAN. I know you are explaining that and I am asking you these questions as you go along.

Mr. CLARK. Yes.

The CHAIRMAN. Now, when was the weight reduced or by whom was it reduced to 5 pounds?

Mr. CLARK. It was reduced by the regulations issued by the department in 1906.

The CHAIRMAN. Do the Hitchcock rules prohibit the killing of yearling seals?

Mr. CLARK. Yes.

The CHAIRMAN. And no other regulations subsequent thereto has prohibited the killing of yearling seals?

Mr. CLARK. Yes, sir; the regulations in 1896 prohibited the killing of yearlings, and so did those of 1906.

The CHAIRMAN. I said subsequent to the Hitchcock rules. There were no regulations prohibiting the killing of yearlings subsequent to the Hitchcock rules. They called them the Hitchcock rules. I mean the regulations that were issued in 1904-05.

Mr. CLARK. In 1906 the weight of skin was reduced to 5 pounds.

The CHAIRMAN. Yes, but the rules for 1904 and 1905 prohibited the killing of yearling seals.

Mr. CLARK. Oh, yes.

The CHAIRMAN. After that the killing of yearlings was left out of the regulations and the weight limit was fixed merely.

Mr. CLARK. No; there has always been a weight limit.

The CHAIRMAN. I know, but the killing of yearlings was left out subsequently.

Mr. CLARK. I am not aware of that. I understood it had always stood in the regulations.

Mr. PATTON. You understood that instead of yearlings it said anything under 5 pounds?

Mr. CLARK. I would like to explain about that.

The CHAIRMAN. We will clear this up. I only want to find out what you know about it. After the Hitchcock rules distinctly prohibited the killing of yearlings and provided that no seal should be killed except at certain weights, the regulations merely provided that no seal should be killed weighing so much and left the word "yearlings" out?

Mr. CLARK. I do not understand it so at all. Of course, I do not carry all those regulations in my head. I have read them over. I understood the yearlings were protected by specific reference right straight through in the regulations.

The CHAIRMAN. Do you consider that the killing of yearlings was prohibited in 1909?

Mr. CLARK. Certainly.

The CHAIRMAN. Yearling seals?

Mr. CLARK. Yes, sir; prohibited by the fact that we were not allowed to take skins of less than 5 pounds. Now, I want to explain that nobody can tell a yearling. We are talking about yearlings and everybody had been talking about yearlings on the islands, but you can not tell a yearling fur seal from a 2-year-old any more than you can go out on the street and distinguish between a 3 and 4 year old child that you see.

The CHAIRMAN. Can you not distinguish a yearling from a 2-year-old?

Mr. CLARK. You can by size; that is, you can say that the smallest animal you see is a yearling, but if on the next day you see a smaller animal you must revise your judgment.

The CHAIRMAN. Now, is it not a fact that an expert can easily tell a yearling as distinguished from a 2-year-old?

Mr. CLARK. No, sir. I have looked at thousands and thousands of them, and I can not do it.

The CHAIRMAN. Do you say under oath that that is a fact?

Mr. CLARK. I do, if you will put it in this way——

The CHAIRMAN (interposing). You can see that they are smaller, can you not?

Mr. CLARK. Yes; but if a smaller animal appears the next day after I have fixed my judgment on the first small animal, the next smaller animal that comes along is the yearling, and my judgment is thrown into confusion.

The CHAIRMAN. How much larger is a 2-year-old than a yearling?

Mr. CLARK. Mr. Elliott has fixed——

The CHAIRMAN (interposing). Not what he has fixed, but what is your judgment?

Mr. CLARK. I have not had great opportunity of dealing with yearlings.

The CHAIRMAN. But you wrote me a letter and stated you had remarkable knowledge as a sealing expert, and it seems to me the committee would like to know what your judgment is about that.

Mr. CLARK. All right; I will give you my definite judgment on the basis of the experiment in branding which I was permitted to carry out in 1912. As a result of that we snared a branded animal on Reef rookery during this past summer, I think about the 26th of July, and measured it, and it measured  $36\frac{1}{4}$  inches in length, I would have measured others of them, but as they are very much like wild cats to handle, and as I got very nearly bitten in the face by one through the native letting go of it, I ceased getting the tests in that way. We did get one branded yearling, however, and that is the only yearling anybody could swear to who has ever had any connection with the fur-seal islands.

The CHAIRMAN. Then you do not know a thing about it?

Mr. CLARK. I know that.

The CHAIRMAN. That is a particular instance; but as an expert can you tell the difference between a seal 2 years old and a seal 1 year old if you saw the two of them?

Mr. CLARK. No; I could not.

The CHAIRMAN. Then that ends it.

Mr. CLARK. Let me say this. I could ask you, Mr. Rothermel, whether you could distinguish between two children you met on the street——

The CHAIRMAN (interposing). That is no comparison at all, and besides I am not under examination. Do not talk about making comparisons like that when you tell the committee you can not tell the difference between yearling and 2-year-old seals.

Mr. CLARK. In my own case, I could not go out on the street and distinguish between two children of those ages.

Mr. McGUIRE. Can anybody else?

Mr. CLARK. I should say that nobody else could.

Mr. WALSH. What is the maximum age or life of a seal?

Mr. CLARK. Well, we have very definite knowledge that the average adult life of a seal is 13 or 14 years.

Mr. WALSH. Would not that make quite a distinction between the age of a 2-year-old and a 1-year-old seal as compared with a 2-year-old

and a 1-year-old child, when the age of man is from 1 to 100, and the age of a seal from 1 to 13?

Mr. CLARK. Yes.

Mr. WALSH. The growth per year is much greater?

Mr. CLARK. There is very little distinction in a seal between the age of 1 and 3 years. It is in the fourth year that the male begins to shoot up into the tremendous frame which the adult bull has. For the first three years the difference is very slight indeed. It is recognized by the standard fixed that the average skin of a yearling weighs  $4\frac{1}{2}$  pounds and the average skin of a 2-year-old is only  $5\frac{1}{2}$  pounds, and the average skin of a 3-year-old is 7 pounds. So there is very little difference in the size of those animals until they are 3 years old.

Mr. PATTON. Professor, your assertion then is on the strength of the fact that there is very little variance between a 1 and 2 year old seal, and therefore it is hard to distinguish them?

Mr. CLARK. Yes. I would not want to swear to it myself and I do not believe anyone could conscientiously swear to it. That would be my judgment. I want to say that the Government, although the law and the department's regulations have mentioned yearlings, has never depended on anybody's distinguishing yearlings and 2-year-olds. It has supplemented the regulations by stating that no skin under the weight of  $5\frac{1}{2}$  pounds, or under the weight of 6 pounds, or under the weight of 5 pounds, or above the weight of  $8\frac{1}{2}$  pounds, shall be taken, and those weights have been the governing factors in dealing with the killing. They recognize the fact that nobody can distinguish a yearling seal, and so the yearling seal is protected by requiring the agents to not take skins under 5 pounds.

The CHAIRMAN. Now, Mr. Clark, if you can not tell by looking at the seals what is a yearling and what is not a yearling why did you put this table in your report?

Mr. CLARK. You mean--

The CHAIRMAN (continuing). Telling us how many yearlings were taken and how many seals of different ages were killed?

Mr. CLARK. If I may--

The CHAIRMAN (interposing). No; just tell us why you state that. You say you can not tell the difference between a seal 2 years old and a seal 1 year old and yet you endeavor here to give us in minute detail how many seals were killed 1 year old, 2 years old, and of different ages and at different times?

Mr. CLARK. This table, at page 875, is simply a record of the weights of skins as taken in the efforts of the agents to conform to the regulations by which they were governed, and in these instances I have pointed out they have failed to meet the regulations; that is all.

The CHAIRMAN. But this is the question: If as you said a moment ago, no man can tell the difference why is it you make out a table here to the Government stating how many yearlings were killed under your observation?

Mr. CLARK. I do not recall that I stated that these were yearlings at all.

The CHAIRMAN. You submitted a table?

Mr. CLARK. I have simply recorded what the agents reported to the Government. These are not matters I had anything to do with.

The CHAIRMAN. Now, just answer my question. Did you not say a while ago and tell us how many yearlings were in this table that you reported to the Government? Didn't you do that?

Mr. CLARK. I pointed out the number of skins which I am willing to admit were skins from yearling animals.

The CHAIRMAN. Now, if no man can tell the difference, why did you make such a report?

Mr. CLARK. Because these skins are under the maximum weight of yearling skins.

The CHAIRMAN. You depended on the weight entirely, did you not?

Mr. CLARK. Yes; everybody has to depend on the weight. That is the only thing you can depend on.

The CHAIRMAN. Now, turn to page 893.

Mr. CLARK. I want to add here by way of further explanation how I consider these yearlings came to be killed. In the first place, the regulations distinguish between food killings and commercial killings; and in the case of the food killings even pups could be killed—that is, animals of any age could be killed in food killing, and the natives like the smaller animals. They are plumper, they are fatter, and the meat is juicier and better. Now, when you have a food killing on hand it is almost impossible to keep the natives from killing little seals. That accounts for a certain number of them. These skins are from food killings as well as from commercial killings. Now, another factor enters into that. In the work of killing the clubber has to distinguish the age of the animal by the weight of the skin that the living animal carries.

The CHAIRMAN. So, if he kills a small seal and finds out afterwards he has killed a yearling——

Mr. CLARK (interposing). It is an accident. Suppose he is hitting at a big seal and strikes a small one on the head, he can not recall his act, and that is an accident. But he may also make an error of judgment. He may see the head of an animal that looks big enough for a 2-year-old and hit it and then it may develop to be a yearling. I want to call attention to the fact that in this table are given only about 500 seals out of a considerable total of animals. They are not figured out here, but on page 504 of hearing No. 10, you will find a table which gives the individual weights of the sealskins taken for the years 1904 to 1911, 93,323, and of that number exactly 711 are under the weight of 5 pounds. We will admit then that 711 of those animals might have been yearlings, but no more; and if you can find a cattle range where the cowboys in rounding up and taking care of 93,000 cattle, make as few mistakes through killing of small animals or accidental killing, I confess I would be surprised. The point is, very few accidents have occurred. The errors of judgment are a negligible quantity and the whole thing is an admirable recommendation to the vigilance of the agents in controlling the natives in their work of clubbing the seals because they are forced to meet a limit that is fixed by the weight of a skin on a living animal.

The CHAIRMAN. Mr. Clark, if the London catalogues should state there were about 7,000 small pups and extra small pups killed in 1909, would you still adhere to your opinion?

Mr. CLARK. Yes, sir.

The CHAIRMAN. What is the size of a small pup and an extra small pup as noted in the London catalogues?

Mr. CLARK. The size of a small pup, which is a 2-year-old animal, is given in the list of animals in the Paris Tribunal of Arbitration——

The CHAIRMAN. One moment. Answer my question first and then you can make your comment. If the London catalogues state that there were about 7,000 small pups and extra small pups killed, were they yearling seals, or not?

Mr. CLARK. They were not.

The CHAIRMAN. They were not yearling seals?

Mr. CLARK. Not in my judgment.

The CHAIRMAN. Do not those catalogues classify them according to sizes?

Mr. CLARK. Well, they do, yes; and also——

The CHAIRMAN (interposing). One moment. If the skins in those catalogues were recorded here by the agents on the seal islands as weighing the same and afterwards it was discovered they were smaller skins in London, that would argue that you were mistaken in saying there were no yearling seals killed. Just answer that question. Would not that show you were mistaken?

Mr. CLARK. I want to get clear what the question is.

The CHAIRMAN. My recollection is that the London catalogues for the catch of 1909 state that about 7,000 small pups and extra small pups were taken in 1909; and if they were recorded as weighing as much in the Bureau of Fisheries as the larger skins then you must be mistaken about the killing of yearlings, because you depended on the weights here, did you not?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Then if there were smaller skins, you were mistaken about the statement you made a moment ago, were you not?

Mr. CLARK. I do not believe there were smaller skins.

The CHAIRMAN. But if the catalogues state that?

Mr. CLARK. The London catalogue does not give any measurements that I have ever seen.

The CHAIRMAN. I say now to you that if the London catalogues provide for that, then is it not a fact that you are mistaken?

Mr. CLARK. I do not see it that way, Mr. Rothermel. I can not understand why the statement that I have made, that only animals under 5 pounds can be considered as yearlings, interferes with the catalogue of the London sales.

The CHAIRMAN. I repeat my question. My information is that of the catch of 1909 about 7,000 are noted in the London catalogues as small pups and extra small pups, but that the weights were recorded the same in the Bureau of Fisheries, as weighing as much as 2-year-olds and over. Now, if those facts are true, then you must be mistaken; is not that so?

Mr. CLARK. I can not admit those facts.

The CHAIRMAN. But if those facts are true—you are an expert.

Mr. CLARK. That is a hypothetical question and I want to deal with facts. I do not want to talk here about hypothetical conditions. I have never been to London.

The CHAIRMAN. I am asking you a question about the catch of 1909. You were sent up as an expert to make the examination. Now, it is for you to explain that difference.

Mr. CLARK. Well, may I do it with the material I have at hand here?



The CHAIRMAN. No; I want you to answer the question and you can explain afterwards.

Mr. CLARK. Well, I confess that I do not understand. That is a suppositious case, and it doesn't seem to me possible for me to make a direct answer to it.

The CHAIRMAN. You know the London classifications, do you not?

Mr. CLARK. Yes; I do.

The CHAIRMAN. And you know that some are large pups and some are small pups and some are extra small pups, do you not?

Mr. CLARK. Yes.

The CHAIRMAN. And it depends on the different sizes of the skins, does it not?

Mr. CLARK. Yes.

The CHAIRMAN. They do it according to the sizes?

Mr. CLARK. Yes.

The CHAIRMAN. But that depends upon the different sizes of the skins, does it not?

Mr. CLARK. Yes.

The CHAIRMAN. They do it according to the sizes.

Mr. CLARK. Yes.

The CHAIRMAN. Now, if the extra small pups and the small pups were recorded as being 2 or 3 years old in the Bureau of Fisheries, then there is an inconsistency in that, is there not?

Mr. CLARK. They are not, to my knowledge——

The CHAIRMAN (interposing). But if they are?

Mr. CLARK. Of course, we will admit that if they are, then there is some mistake.

The CHAIRMAN. And you depended only on the weights of the skins?

Mr. CLARK. Oh, I have before me both the London and the island weights, and they do not disagree.

The CHAIRMAN. Is that for 1909?

Mr. CLARK. For 1910.

The CHAIRMAN. How about 1909?

Mr. CLARK. I do not know.

Mr. WATKINS. As I understand the witness, he says both weights.

Mr. CLARK. I said the London and the island weights agree for the catch of 1910.

The CHAIRMAN. No, but you said a while ago that they do it by size and not by weight, and here you say you do it by weight.

Mr. CLARK. Yes, but the London people have to supply us with weights to interpret their sizes. That is the point that is controlling me. All that I know of the London size is obtained from the report which the London firms made at the time of the Paris Tribunal of Arbitration, containing the trade designations. Might I have the opportunity to develop this question from my report where I discussed the matter?

The CHAIRMAN. I think you have answered the question, but what do you want to say further?

Mr. CLARK. The London standard of weights is given at page 917 of volume 8 of the Proceedings of the Paris Tribunal of Arbitration. You know the London designations are trade designations for small pups——

The CHAIRMAN (interposing). Is that 1910?

Mr. CLARK. No; it is 1893.

The CHAIRMAN. Oh, we have just gone over 1909, and I will tell you the reason, and the committee also: If the sealing company took about 7,000 seals in violation of the regulations, in 1909, they simply took about \$250,000 worth of Government property that belonged to the United States in the following year, so that it is very important that you tell the exact truth, because you were the agent sent up there by the Government. It is very apparent to everybody that in 1910 the sealing company had no longer any right to take seals. If they had cleaned up the young seals in 1909, which they had no right to do, it would be only right for them to pay back to the Government the amount of damage they did. Now I say this because you were the agent for the Government to go there to make this examination, and if they took the Government property in 1910 we ought to know it.

Mr. CLARK. Might I state that I do not believe they did? I think they cleaned up the hauling ground but I do not say that they took property that ought to have been left for the next year, because in the next year they got a quota practically the same as the year before.

The CHAIRMAN. That is only because they had a similar quota the next year?

Mr. CLARK. Yes.

The CHAIRMAN. And that is your only explanation?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Now, turn to page 893——

Mr. CLARK (interposing). Can we return to the London weights, so that I can discuss the weights of 1910?

The CHAIRMAN. Well, we are on 1909.

Mr. CLARK. We have no London weights or measurements for the 1909 skins.

The CHAIRMAN. Very well, then, we will pass that. I prefer to go on with this point because of the reasons I have stated.

Mr. MAGUIRE. I know; but it will be with the understanding that he may return to that subject later.

The CHAIRMAN. Yes. Suppose you turn to page 866 of your report in Appendix A. I call your attention to the following:

There has been on the killing grounds since 1900 a constant struggle on the part of the leasing company in the closing years of its concession to get every possible skin from the declining herd.

Is that correct?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Then, on page 892, I find the following:

The drive from Zapadni this morning gives 585 skins. It is the largest drive from this rookery for this season. Those killed constitute 79 per cent of all the animals driven. Only 39, too small, are turned back. The closeness of the driving is evident from the fact that 10 cows are recognized; 2 are accidentally killed.

That is correct?

Mr. CLARK. I recall the killing of those two cows, and I suppose that is——

The CHAIRMAN (interposing). Well, that is in your report.

Mr. CLARK. Yes, sir; it is.

The CHAIRMAN. You were on the islands in 1896 and 1897?

Mr. CLARK. Yes, sir.

The CHAIRMAN. With the Fur Seal Commission?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And you say you did not discover the Carlisle regulations while you were up there?

Mr. CLARK. We were informed merely that the limit of killing was 6 pounds. That is all. I never heard of the Carlisle regulations until after the publication of this last hearing. We understood that Assistant Secretary Hamlin had issued directions that no skin under the weight of 6 pounds should be taken, and we were well enough satisfied that that condition was met.

The CHAIRMAN. Have you seen the record of Special Agent Lempkey's sworn testimony before this committee February 19 and April 13, 1912, in Hearing No. 9?

Mr. CLARK. I do not recall the specific reference.

The CHAIRMAN. Have you ever measured the skin of a yearling seal?

Mr. CLARK. No; I have not.

The CHAIRMAN. Have you ever measured the skin of a 2-year-old seal?

Mr. CLARK. Yes, sir.

The CHAIRMAN. How long are they?

Mr. CLARK. Well, they vary very greatly. For instance, here are 205 of them. The average length of a green 2-year-old is 32.1 inches; the average girth is 22.4 inches. After being in salt for 10 days the average length of a skin was 36.1 inches, and the average girth was 24.1 inches.

The CHAIRMAN. Now, that is your judgment about the size of the skin of a yearling seal?

Mr. CLARK. That is the actual record.

Mr. McGUIRE. Of the yearling seal?

Mr. CLARK. No; of the 2-year-old. I said we have not had the privilege of seeing yearlings killed or having measured them. I want to call attention to the fact that this record of 2-year-old skins, which is 32 inches, is below the record which Mr. Elliott has fixed for the yearling, which is 30 to 34 inches.

Mr. McGUIRE. Then you say that that is the size of a 2-year-old seal?

Mr. CLARK. That is the size of the 2-year-old seal.

Mr. McGUIRE. Thirty-two inches?

Mr. CLARK. Thirty-two inches; length of green skin, I mean.

Mr. McGUIRE. Yes.

Mr. CLARK. We took 205 of these animals, knocked them down and measured them as animals. We have here the length from nose to root of tail and girth behind the shoulders, the individual animal weight, the green-skin length, the green-skin breadth, and the green-skin weight. Then we have the salted weight and measurement, length and breadth. That is all outlined in my report of 1912.

Mr. McGUIRE. Who assisted you in this?

Mr. CLARK. Mr. M. C. Marsh and Mr. Walter I. Lembkey.

Mr. McGUIRE. How do you know they were 2-year-old seals?

Mr. CLARK. Because we obeyed the regulations, which say—

The CHAIRMAN (interposing). Well, but how do you know it? A while ago you said you could not tell it.

Mr. CLARK. I said I could not distinguish between a 2-year-old and a yearling?

The CHAIRMAN. Yes.

Mr. CLARK. But it is well recognized that the weight of a 2-year-old is  $5\frac{1}{2}$  pounds. That is the standard.

The CHAIRMAN. What is the standard weight of the yearling seal?

Mr. CLARK. Four and one-half pounds. The average weight of these skins was 5.9 pounds, and therefore they were above the 2-year-old average weight. These 205 skins weighed 5 pounds and about 14 ounces on the average.

The CHAIRMAN. How much blubber was on the skins?

Mr. CLARK. A normal amount. They were skinned in the normal way, under our inspection.

Mr. WATKINS. The witness has made a statement there about the difference of 1 pound in the seals. I would like to have him state whether it is dry, green, salted, or unsalted?

Mr. CLARK. That is the weight of a green skin.

Mr. WATKINS. What is the difference between a green skin, a dry skin, salted, or unsalted?

Mr. CLARK. The salted skin weighs slightly less. This demonstration was intended to settle the effect of salting on the weight of a skin. We weighed the skins and then put them in salt, and after they had been in salt for 10 days we again weighed them individually and we found they averaged 5.4, that is, they averaged a difference of 0.4 of a pound, which would be 6.4 ounces, so that the average depreciation in each of these 205 skins was 6.4 ounces.

The CHAIRMAN. Now, is that all?

Mr. WATKINS. Yes, sir.

The CHAIRMAN. Now, will you turn to page 888, Appendix "A", your report of 1909?

Mr. CLARK. Yes.

The CHAIRMAN. The following appears:

As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than 5 pounds weight are taken and also skins of 8 and 9 pounds. These latter are plainly animals which escaped the killing of last year because their heads were shaved. Otherwise it does not seem clear how they did escape.

Is that correct?

Mr. CLARK. Yes.

The CHAIRMAN. That you saw on the island?

Mr. CLARK. Yes; of course —

The CHAIRMAN (interposing). Now, then, return to page 890, Appendix "A," your report, and under date of July 26, I think, while you were on the islands, the following appears:

There are no bachelors on Tolstoi and there have been none since the 20th. It looks as if the supply was exhausted.

And on page 891 of the same report appears the following:

The drive at Northeast Point this morning yielded 187 skins. Only three animals too small to be killed were turned back. Polovina Rookery gave only 16 skins, and no animals too small to be killed were turned back.

Is that correct?

Mr. CLARK. Those are facts.

The CHAIRMAN. Then you noticed the difference in the size of the animals, did you not? This was your report and you made it on the 26th of July?

Mr. CLARK. Yes; the distinction between small and large animals—

The CHAIRMAN (interposing). You say you made these daily reports, and you must have made them from observations.

Mr. CLARK. Well, when there are no small animals left, that is a different thing from saying that there are no yearlings left.

The CHAIRMAN. On page 892, under date of July 28, the following appears:

In making the drive from the reef and Gorbach this morning the drivers must have pressed the breeding grounds closely as a considerable number of cows, 14 at least, were included. These were for the most part recognized and exempted by the clubbers, but two adult cows in milk were killed by accident. Most of the cows were young animals—2-year-olds.

Mr. CLARK. Yes.

The CHAIRMAN. On page 892 under date of July 30, in the same report, the following appears:

The drive from Zapadni this morning gives 585 skins. It is the largest drive from this rookery for this season. Those killed constitute 79 per cent of all the animals driven. Only 39, too small, are turned back. The closeness of the driving is evident from the fact that 10 cows are recognized; two are accidentally killed. One bachelor with a St. George identification mark (three clipped spots on the shoulders as well as the head shaved) is seen.

That is also correct?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Now, why did you say that these cows were accidentally killed?

Mr. CLARK. Because every effort possible was being made to avoid the killing of any cow that might be in the drive, and I might say that the natives felt about as they would over the killing of one of their own people if a cow was killed. They were very much affected and felt very bad about it. I considered their killing was accidental.

The CHAIRMAN. Did you not also state that the lessees were without restraint so far as this driving was concerned?

Mr. CLARK. I do not think I did.

The CHAIRMAN. You may look into that and let the committee know.

Mr. CLARK. Yes, sir.

The CHAIRMAN. On page 868, Appendix "A," your report, you make this statement:

It is wasteful to take skins of 4½ and 5 pounds which if left a season will gain 1 to 2 pounds in weight and will be more serviceable.

That is also correct, is it not?

Mr. CLARK. Well, may I explain in regard to that, briefly?

The CHAIRMAN. Certainly.

Mr. CLARK. The skin, of course, is larger at the age of 3 and will bring a bigger price. So far as the Government was concerned it made absolutely no difference because the Government got its tax of \$10 on every skin whether it was from a yearling or a 2-year-old or a 4-year-old, and that is all it could get.

The CHAIRMAN. Would you apply that to 1909?

Mr. CLARK. Well, that is a different matter, that was 1909, the last year of the North American Commercial Co.'s lease and each skin brought \$10, the regular royalty tax fixed by the lease.

The CHAIRMAN. But according to the regulations, any seal taken under 2 years of age was really the property of the Government and the lessees had nothing to do with it.

Mr. CLARK. Every seal under 2 years old?

The CHAIRMAN. I mean the yearling seal.

Mr. CLARK. There were very few—

The CHAIRMAN (interposing). I am asking you that; if the company took any yearling seals in 1909 they were clearly the property of the United States Government because they were not within the regulations.

Mr. CLARK. That would require a legal interpretation.

The CHAIRMAN. But do you not know that the regulations prohibit the killing of any seal under 2 years old?

Mr. CLARK. Yes; and I know that no yearling seals were killed except by accident or unintentionally.

The CHAIRMAN. You say that now, in spite of what you say in your report to the Secretary of Commerce and Labor under the authority of the United States Government.

Mr. CLARK. My report states that for 1909, 16 yearling seals were killed.

Mr. WATKINS. What do you mean by yearling seals?

Mr. CLARK. A seal that has come back—that was born one year and has come back to the islands the second season.

Mr. WATKINS. You mean anything under 2 years old?

Mr. CLARK. Yes; that would be a yearling, but for the season of 1909 only 16 animals are recorded as under the regulation weight.

The CHAIRMAN. Gentlemen, it is nearly 12 o'clock and I suppose Mr. Clark would like to get away as soon as possible. Shall we take a recess until to-morrow morning at half past 10?

By unanimous consent the committee agreed to continue hearing Mr. Clark at 2 o'clock p. m.

## 2 O'CLOCK P. M.

The committee met pursuant to recess at 2 o'clock, p. m.

The CHAIRMAN. Mr. Clark, you said this morning that you were made special assistant by the Secretary of Commerce and Labor?

Mr. CLARK. Yes, sir.

The CHAIRMAN. You were paid by the Government?

Mr. CLARK. Yes; I was paid by the Bureau of Fisheries.

The CHAIRMAN. How much compensation did you receive?

Mr. CLARK. The same compensation that I received at the university.

The CHAIRMAN. Well, how much is that?

Mr. CLARK. Two hundred and fifty dollars a month. I claimed that simply because I had to supply my place.

The CHAIRMAN. Yes; I wanted to ask you that this morning but I overlooked it.

Mr. CLARK. I was not clear about my instructions this morning and I did not make myself clear. I would like to state that they will be found at page 829 in the beginning of my report. I incorporate them in the beginning paragraph of my report, and I should like to read them.

The CHAIRMAN. What is to be found there?

Mr. CLARK. The instructions under which I worked in 1909. The quotation is this, page 829 of Appendix A:

\* \* \* It is important that certain observations and investigations made by the fur-seal commission of 1896-97 be repeated in order that a comparative estimate be made of the condition of the herd at the present time as related to the condition obtaining in 1896-97. The main elements of the comparative investigation would include the following: A census of the breeding herd; a count of live pups on certain areas; a count of idle bulls, half bulls, etc.; a count or estimate of the virgin females; a count of dead pups, etc. Your acquaintance with the problems involved, gained through your active participation in all the work of 1896-97, will enable you to determine the scope and details of the observations to be made this year, and these are left to your judgment. You are authorized to confer with the chairman of the advisory board and to conduct the investigations in a manner which will result in the securing of the desired data, always bearing in mind, however, that no unnecessary disturbance of the rookeries must be permitted. \* \* \* Upon your return from the islands you will prepare a detailed report embodying the results of your observations and your recommendations based thereon.

The CHAIRMAN. Those were your instructions?

Mr. CLARK. Those were my instructions. Mr. Chairman, you asked me about the question of whether the killing of 1909 was without restraint or not. I would like to make the statement regarding that now. I inferred you wished me to refresh my memory and to make the statement. I should like to make it now. On page 866 of Appendix A is this statement:

The young males set aside for breeding purposes having been marked, the lessees have been free to take what they could get, and this resulted in their taking practically all of the bachelors appearing on the hauling grounds.

On page 867 I said:

If not in name, in fact at least the leasing company has been in supreme authority on the Islands during the past season.

In the next paragraph I state:

This authority, actual or assumed, has a practical bearing of importance. The lessees had the right to take 15,000 skins. They failed to get this number by 632 skins.

Then I refer to certain incidents that might have affected the completing of that quota, and then conclude:

These acts together with my investigations of the rookeries might easily be made the basis of a claim for damages resulting from the failure to obtain the full quota.

Now, the purpose of those statements was to express my opinion as an expert that it was not wise that the Government should have this dual authority of lessees and its own agents on the islands. In other words, it should not have to consider whether the rights and privileges of lessees were interfered with if it wanted to take action in regard to the protection of the herd at any point. That was the sole purpose of raising those points. With five men to two a crisis might arise in which the Government's interests might have to succumb to the superior force of the lessees' representatives. Now, I did not imply in any way that such a situation existed—that is, that the authority of the Government was not completely maintained. In the season of 1909 the killing was conducted in accordance with the regulations and the legal quota authorized by the department was not exceeded.

I point out on page 867 again:

These matters are pointed out merely to show the anomalous situation induced by the present division of authority between the Government representatives and those of the company on the islands and in dealing with the herd.



Now, in the last paragraph on page 867 I said:

The present lease has expired. In the ordinary course of events a new one should be negotiated in time for next season.

The law was mandatory. We had to concede that a lease would be required. I said:

With pelagic sealing still in operation, and no immediate prospect of its suspension, there being doubt also as to what quota, if any, may be obtainable for next year, it is not clear how any company or individual can intelligently bid on a 20-year lease or a lease covering any considerable period. A bid on such a lease would be purely a speculation.

The CHAIRMAN. Then you were in favor of re-leasing the islands?

Mr. CLARK. I was not. This is all intended to stop the re-leasing of the islands.

The CHAIRMAN. Did you not read there to the effect that it ought to be done?

Mr. CLARK. I say that "in the ordinary course of events a new lease should be negotiated in time for next season." It was mandatory upon the Secretary of Commerce and Labor to re-lease the islands.

The CHAIRMAN. The law uses the word "may" and not "shall."

Mr. CLARK. Mr. Nagel considered it so.

The CHAIRMAN. But the word "may" was used and not the word "shall."

Mr. CLARK. What I want to make clear here is that I was arguing against the lease on the basis of my knowledge as an expert and of the needs of the herds.

The CHAIRMAN. It seems to me that you suggest there that there ought to be a re-lease.

Mr. CLARK. Well, perhaps the word "should" is unfortunate. If there is any fault it lies in the use of the word "should."

The CHAIRMAN. Now if there was trouble by reason of a majority or a superior number, why did you not report that to the Secretary?

Mr. CLARK. I tried to state that in my report in these passages I have read.

The CHAIRMAN. Where do you state it in your report?

Mr. CLARK. In these pages I have just read.

The CHAIRMAN. That the trouble was in the fact that there were five men up there for the company and only two for the Government?

Mr. CLARK. Well, perhaps that is not specifically stated. I called attention to the dual authority on the islands. That is the point.

The CHAIRMAN. But you think that the company had supreme authority because they had five men up there and the Government only had two?

Mr. CLARK. That is the way I would consider it if I were the Government agent.

The CHAIRMAN. In what way would they get supreme control?

Mr. CLARK. The agents were forced to live, for example, board at the table with the representatives of the leasing company.

The CHAIRMAN. Do you think those five men overawed them? I really can not understand that.

Mr. CLARK. Not at all; but if a situation arose in which it was necessary for the company to overawe them there were five men there to do it.

The CHAIRMAN. How soon did you discover this after you got up to the islands?

Mr. CLARK. We discovered it in 1896 and 1897.

The CHAIRMAN. No; I mean in 1909.

Mr. CLARK. There was nothing peculiar about the situation in 1909.

The CHAIRMAN. You discovered there were five men there representing the company to two representing the Government.

Mr. CLARK. We knew that thoroughly in 1896 and 1897.

The CHAIRMAN. Did you not know it in 1909?

Mr. CLARK. Certainly.

The CHAIRMAN. Why did you not report it to the department after you found it out?

Mr. CLARK. I thought that went without saying. I did not think that was a matter of any importance.

The CHAIRMAN. You now claim that that was the difficulty and you must base it upon your observations made when you were on the islands, do you not?

Mr. CLARK. Well, it does not make any difference——

The CHAIRMAN (interposing). No; but do you not base it upon what you saw on the islands when you were there?

Mr. CLARK. Not any more in 1909 than in 1896 and 1897.

The CHAIRMAN. I do not care about 1896 and 1897. Tell me about 1909.

Mr. CLARK. It was not from any violation of law or any overawing of the agents in 1909 at all.

The CHAIRMAN. Then why do you say it was five to two up there?

Mr. CLARK. Well, because that was the fact.

The CHAIRMAN. Why did you not report it to the Secretary of Commerce and Labor? The wireless stations were opened to you, were they not?

Mr. CLARK. I had no occasion to interfere with the killing of 1909. It was done with perfect satisfaction to me.

The CHAIRMAN. What were you sent up there for—to find out what was going on, were you not? The scope of your authority included that, did it not?

Mr. CLARK. If there was nothing wrong going on, why should I report anything?

The CHAIRMAN. But you say the trouble arose because there were 5 men up there for the company and they had supreme authority over the killing.

Mr. CLARK. That is a fact, is it not?

The CHAIRMAN. Do not ask me questions; just answer mine, and then we will get along better. Where did this supreme authority come from that you spoke of?

Mr. CLARK. It came from the fact they had superior numbers.

The CHAIRMAN. Did the agents quietly submit?

Mr. CLARK. Of course, I have tried to make clear that there was no violation of law.

The CHAIRMAN. Did they submit? I am asking you that. Do not sidestep it.

Mr. CLARK. They did not submit.

The CHAIRMAN. What did they do—get out their clubs or what do you mean by superior numbers?

Mr. CLARK. There was no conflict of authority. The lessees obeyed the letter of the law. They were required to take no skins less than 5 pounds, and they obeyed that regulation. They were required first, before they could kill a single seal, to set aside 2,000 of them by marking them on the head or branding them as a "breeding reserve," and when that was done they could take all the seals left without doing the herd any harm. I would like to read this paragraph also in this connection, on page 866:

With a declining herd this close killing has not been so important as it would be in the case of an increasing herd. Fewer and fewer bulls have constantly been needed on the breeding grounds. Of the 5,000 bulls occupying harems in 1896, only 1,387 were needed in 1909. A diminished breeding reserve has therefore been possible. But we must consider a reversed condition of things, if pelagic sealing is to be done away with. The herd will then begin to grow. It will require a constantly increasing reserve of breeding males, which must be saved from the killing fields. A leasing company will be just as eager to get all possible skins and will press the product of the hauling grounds, rising all too slowly, to its limit unless restrained.

The CHAIRMAN. In your report did you call it whirlwind sealing on the part of the company?

Mr. CLARK. I did.

The CHAIRMAN. Is that true in your report?

Mr. CLARK. Yes; it is true.

The CHAIRMAN. It is true?

Mr. CLARK. I should call it whirlwind sealing.

The CHAIRMAN. In other words, you meant the sealing company had cleaned up everything they could get?

Mr. CLARK. Yes.

The CHAIRMAN. And you made that report?

Mr. CLARK. Yes.

The CHAIRMAN. And you want to say now that is true?

Mr. CLARK. It is true and I want to explain what I mean by it. They cleaned up all of the 2-year-old animals. They killed absolutely no yearlings out of the herd because the yearlings do not appear on the hauling grounds in the killing season; that is all.

The CHAIRMAN. Did you say that in your report?

Mr. CLARK. I did not know it.

The CHAIRMAN. Or do you just want to get it in another shape now?

Mr. CLARK. I did not know it at the time. This matter comes to my knowledge as the result of the branding of 1912. We branded 6,000 pups with a red-hot iron on the head, and we searched for those animals the next year, and if yearlings come to the hauling grounds those animals would have come, and they did not come except two or three animals which we saw. We searched the rookeries for them and did not find them.

The CHAIRMAN. You said this morning that no man could tell a yearling seal from a 2-year-old, did you not?

Mr. CLARK. Yes, sir; but when I got a branded mark on the head of a seal I knew it was a yearling, and that was the first time I saw a yearling, except one in Golden Gate Park, which I watched for a whole year.

The CHAIRMAN. Now, it is your opinion as an expert that a man can not detect a yearling seal on the islands from a 2-year-old. That is what you said this morning.

Mr. CLARK. Yes; I will stand by that.

The CHAIRMAN. Do you mean to say that is a fact?

Mr. CLARK. Yes; it is a fact.

The CHAIRMAN. Do you believe that when Dr. Evermann makes a sworn statement it is true?

Mr. CLARK. I should think it would be; yes.

The CHAIRMAN. This is what Dr. Evermann said before this committee under oath and in writing, April 20, 1912:

As a matter of fact, and as Mr. Elliott has again and again asserted the yearling seals, or those which are always regarded as yearlings, are the easiest to distinguish of any of the classes of seals. Mr. Elliott is, in this instance, entirely right; anybody who has any acquaintance with seals can tell a seal of this class as soon as he sees it. Therefore if yearling seals have been killed they have been killed knowingly and intentionally.

Is that true?

Mr. CLARK. Yes; I should say that is true.

The CHAIRMAN. Then you ought to know the difference.

Mr. CLARK. Let me tell you what that means.

The CHAIRMAN. But I ask you the question.

Mr. CLARK. What that means is this—

The CHAIRMAN. Answer my question. Should you not know it? If you now say that is true, why did you make the other statement this morning?

Mr. CLARK. I can make the same statement, that the easiest animal to distinguish of all the animals on the island is the yearling, the smallest animal you can find is a yearling. That is all.

The CHAIRMAN. Is that what you said this morning?

Mr. CLARK. I said this morning that you could not, and no man could, distinguish a yearling from a 2-year-old, and that is a vastly different thing. I am perfectly willing to admit that.

The CHAIRMAN. If you can tell a yearling so readily why can you not distinguish it from a 2-year-old?

Mr. CLARK. Because they run together. An animal may be born on the 12th of June in one year and another animal may be born on the 25th of July. Those two animals are far apart in size. Now, the 2-year-old animal born on the 25th of July may be no bigger than the yearling animal born on the 12th of June of the preceding year, and that is the reason you can not distinguish the yearling from a 2-year-old; but as to distinguishing yearlings—

The CHAIRMAN. You must do it by sight.

Mr. CLARK. It is absolutely true, as Dr. Evermann has said, that the yearling is the easiest one to distinguish, because it is the smallest animal.

The CHAIRMAN. Then why would not people know they were killing a yearling when Dr. Evermann says it is the easiest one to distinguish?

Mr. CLARK. But they have not killed the yearlings.

The CHAIRMAN. Why can not a man tell if yearling-seals are killed if you can distinguish them so readily? Why do you not know that yearling seals were killed?

Mr. CLARK. I do not know that yearling seals were killed. I know they were not killed.

The CHAIRMAN. You reported in your report to the Department of Commerce and Labor that yearling seals were killed. Now was that true?

Mr. CLARK. Sixteen of them.

The CHAIRMAN. One moment; was that true?

Mr. CLARK. Yes; that was true.

The CHAIRMAN. That no seals were too small to be killed?

Mr. CLARK. Yes. The yearlings were not there to be killed.

The CHAIRMAN. And that was from observation you made when you were on the islands?

Mr. CLARK. The yearlings were not there to be killed and they killed all the 2-year-olds.

The CHAIRMAN. But you stated that from actual observation on the islands. Now was that true or did you mean to make a false report to the Government?

Mr. CLARK. That report was true.

The CHAIRMAN. You did not mean to make a false report to the Government, did you?

Mr. CLARK. No; I did not.

Mr. McGUIRE. Mr. Chairman, I may not be entirely clear about it, but I understood Mr. Clark to state that the yearlings were not there. I would like to know further about that, why the yearlings were not there and how they told the yearlings were not there.

Mr. CLARK. In the first place, the yearlings appeared the next year and were killed as 2-year-olds, 12,000 of them. That is positive proof that the yearlings did not come to the hauling grounds in 1909, otherwise they would have been killed.

The CHAIRMAN. But you just said a moment ago that the yearlings and 2-year-olds were together, and that was the reason you could not tell them apart.

Mr. CLARK. I never said anything of the kind.

The CHAIRMAN. Let the stenographer refer to his notes and read what you said.

(The stenographer read as follows:)

The CHAIRMAN. If you tell a yearling so readily, why can you not distinguish it from a 2-year-old?

Mr. CLARK. Because they run together. \* \* \*

Mr. CLARK. That does not mean that 2-year-olds and 1-year-olds were found together.

The CHAIRMAN. Were they separated?

Mr. CLARK. What I mean by running together is that a big yearling and a small 2-year-old approximated one another in size and could not be distinguished, and I cleared it up by saying that in one year a yearling might be born on the 12th of June and a 2-year-old might be born on the 25th of July the next year, and those two animals might grade together, not that they herded together. That is not the point at all. When I speak of not being able to distinguish a yearling from a 2-year-old, I have in mind that I was left on those islands until the 21st day of October in 1896 with a view to determining those things, and I spent hours and hours and even weeks, for that matter, studying the yearlings and the 2-year-olds as they appeared together on the breeding grounds, not on the hauling grounds. I studied those animals and I found the very greatest difficulty in distinguishing them. One day I would find a very small animal and decide it was a yearling and the next day I would find a smaller one and that would be the yearling. When I say a man can not distinguish a yearling from a 2-year-old I base it on that knowledge and that experience in 1896, when I studied them on the breeding,

not on the hauling, grounds. I contend that the yearlings do not go to the hauling grounds.

The CHAIRMAN. Dr. Evermann says it can be easily discovered.

Mr. CLARK. What is that?

The CHAIRMAN. A yearling.

Mr. CLARK. Oh, yes. I will admit that it is exactly true what he said, that the yearling is the easiest distinguishable animal, because it is the smallest one. The point at issue was whether you could distinguish a 2-year-old from a yearling.

The CHAIRMAN. Why could you not say it was not a 2-year-old if a yearling is so easily distinguished?

Mr. CLARK. That is the point. But here we have an arbitrary standard, and any skin below 5 pounds is a yearling and any skin above it is a 2-year-old.

The CHAIRMAN. If they are so easily distinguished, why can you not tell that a 2-year-old seal is not a yearling?

Mr. CLARK. Because a 2-year-old seal is just a shade bigger, and that is a vastly different proposition from distinguishing the smallest animal.

The CHAIRMAN. Is there any difference in color?

Mr. CLARK. There is no difference in color.

The CHAIRMAN. But you say it is larger. Could you not go on the grounds and pick out every yearling you would see?

Mr. CLARK. No. I could go to the grounds and pick out the smallest animals that I could see and conjecture that they were yearlings.

The CHAIRMAN. Is that the way you would reach such a conclusion?

Mr. CLARK. That is all I could do.

The CHAIRMAN. You saw them killed when you made your daily reports and reported that to the Department of Commerce and Labor, did you not? That is where you got your information from?

Mr. CLARK. There were only 16 of them killed. They were not killed in my presence at all. They were killed in food killings.

The CHAIRMAN. How do you know they were not 2-year-old seals?

Mr. CLARK. The ones under 5 pounds?

The CHAIRMAN. No; I mean those you reported. How did you know they were not 2-year-olds?

Mr. CLARK. Because they had skins less than 5 pounds in weight.

The CHAIRMAN. Is that the only reason?

Mr. CLARK. That is the only reason.

The CHAIRMAN. Under the act of Congress passed some time, I think, in 1896 you helped to prepare Part 1 of the Report of Fur Seal Investigations, 1896-97; is that correct?

Mr. CLARK. Yes, sir.

The CHAIRMAN. The title-page of Part 1 of Report of Fur Seal Investigations reads as follows:

The fur seals and fur-seal islands of the North Pacific Ocean, by David Starr Jordan, president of Leland Stanford Junior University, commissioner in charge of fur-seal investigations of 1896-97, with the following official associates: Leonhard Stejneger and Frederic A. Lucas, of the United States National Museum; Jefferson F. Moser, lieutenant commander, United States Navy, in command of the United States Fish Commission steamer *Albatross*; Charles H. Townsend, of the United States Fish Commission; George A. Clark, secretary and stenographer; Joseph Murray, special agent; with special papers by other contributors.

You were the secretary and stenographer of this commission?

Mr. CLARK. Yes, sir, I was.

The CHAIRMAN. And you were authorized by Congress to make this?

Mr. CLARK. Yes, sir; the commission was authorized.

The CHAIRMAN. That is what I mean. The commission was authorized. On page 124 of the same volume appears the following:

It is not the intention here to justify the methods of killing employed in the closing years of the lease of the Alaska Commercial Company. Such killing ought never to have been allowed. It would not have occurred had not the termination of the lease been approaching, as it would have been wholly against the interest of the lessees. But it is not conceivable that such killing could ever affect the life of the herd, as it would necessarily bring to ruin the business of taking sealskins on land long before it could produce any effect on the breeding herds.

That is part of the report of that commission?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Of which you were secretary?

Mr. CLARK. May I—

The CHAIRMAN (interposing). I just want to connect this up with something else and then you can answer and explain. Turn to page 202, footnote:

The contrast here visible between 1889 and 1890 is by no means a measure of corresponding decrease in the breeding herd. The fact is that the fictitious quota of 1889 was made up largely of yearlings which belonged properly to the quota of 1891. In like manner the quota of 1889 and the preceding year had largely absorbed the legitimate quota of 1890. It is probable that had the quota been reduced in proportion to the decreasing birth rate, and been confined to the regular ages of animals, the normal quota of 1889 and 1890 would have been between 50,000 and 60,000.

What I want to ask you is this: How did you arrive at the conclusion that the quota of 1889 was largely made up by yearlings?

Mr. CLARK. The point is that in 1896 and 1897, the commission, both commissions, quite generally assumed that the yearlings came in large numbers in the close of the killing season on the hauling grounds. That is the way it appeared to us in 1896 and 1897. Now when the Alaska Commercial Co. was killing in the closing years of its lease, first it came against a dearth of 4-year-old seals, then it came against a dearth of 3-year-old seals, and then against a dearth of 2-year-olds, and then if the yearlings were there, it made up on the small seals, the yearlings. It took probably all the animals on the hauling grounds just as was done in 1909.

The CHAIRMAN. You had the information that they took yearling seals, did you not, or else it would not be in your report to the Government?

Mr. CLARK. To our knowledge at that time. You remember this report was published in 1896 and 1897.

The CHAIRMAN. Now how did you find out that this company had taken these yearling seals? That is the question I want you to answer?

Mr. CLARK. The assumption was that they must have killed those animals because they were not there to take the next year. 20,000 was all that could be taken in 1890.

The CHAIRMAN. How did you know they were there in 1889?

Mr. CLARK. Because they had a quota of 100,000 skins.

The CHAIRMAN. There might have been 125,000 skins the year before or in 1889. Where did you get your information that they took 25,000 yearling seals?



Mr. CLARK. We assumed that they cleaned up the hauling grounds in those years and that was why so few could be taken in 1890.

The CHAIRMAN. That statement would not prove any such conclusion because how do you know how many there were there in 1889?

Mr. CLARK. Well, there were 100,000 of them killed.

The CHAIRMAN. Well, there might have been 125,000 of them there.

Mr. CLARK. Why would they not be there to be taken in 1890? With all the efforts that could be taken they could only take 20,000 seals in 1890, and the natural inference was ——

The CHAIRMAN (interposing). Was it only an inference or did you get it from some other source?

Mr. CLARK. Naturally, we had to rely upon Mr. Henry W. Elliott's report.

The CHAIRMAN. Did you rely on the London reports to get that?

Mr. CLARK. I have never seen any London reports regarding those killings.

The CHAIRMAN. Did you not look into that while you were having this commission at work? Is not that the place you got it from?

Mr. CLARK. No, sir.

The CHAIRMAN. I mean the information as to how many yearlings were killed in 1889.

Mr. CLARK. No, sir. We had no information from the London sales. We gained our information from the fields, from the fact they could take 100,000 seals in 1889 and only 20,000 in 1890, meant they had killed the small seals in 1889, and if yearlings were on the hauling grounds they were killed. And now it turns out they were not on the hauling grounds and that they did not kill yearlings.

The CHAIRMAN. Did you not say in your report of 1909 that the killing of seals in 1909 was similar to that of 1889 when both companies cleaned up everything they could get?

Mr. CLARK. Exactly similar?

The CHAIRMAN. Yes.

Mr. CLARK. The North American Commercial Co. took every seal on the hauling grounds and probably the Alaska Commercial Co. did exactly the same thing. Beyond that, the information came to me in 1913 through the branding of the animals, that I was mistaken in 1909 in assuming that yearlings came to the hauling grounds, and that we were all mistaken in 1896 and 1897 in assuming that yearlings came to the hauling grounds, because they do not come there.

The CHAIRMAN. You were there and looked on and made your report to the Government and say now that you were mistaken and did not know anything about it; is that it?

Mr. CLARK. I do not say that at all. I say that we corrected our information in the light of better knowledge that has come to us in the continued study of the matter.

The CHAIRMAN. Then you made a mistake when you reported to the Secretary of Commerce and Labor, did you not?

Mr. CLARK. I did not report anything to the Secretary of Commerce and Labor but that the quota of 1909 took every animal above one year.

The CHAIRMAN. Did you say that in your report?

Mr. CLARK. I said that in my report.

The CHAIRMAN. Did you not say that they took every seal that was not too small to be killed?

Mr. CLARK. That is exactly the same thing.

The CHAIRMAN. I mean that "no seal was too small to be killed"?

Mr. CLARK. Yes, sir. The yearlings were not there.

The CHAIRMAN. Is that false or true?

Mr. CLARK. It was true.

The CHAIRMAN. Was it false or true when you reported that to the Government?

Mr. CLARK. It was true.

The CHAIRMAN. It is true that "no seal was too small" to be taken?

Mr. CLARK. No seal on the hauling grounds was too small to be killed. Now, I would like to read again my statement at the bottom of page 853 of Appendix A.

The CHAIRMAN. Did you read that this morning? If so, it is not necessary to read it again.

Mr. CLARK. Very well. I do not want it to be forgotten.

The CHAIRMAN. You called it an effective clean-up, did you not?

Mr. CLARK. Yes, sir; but not a clean-up of yearlings.

The CHAIRMAN. Did you not write a letter to Dr. Hornaday in which you stated they took yearlings?

Mr. CLARK. I may have said exactly the same thing I have said here, that a few yearlings—that is, animals under 5 pounds—had been killed, and may be admitted to be yearlings.

The CHAIRMAN. Did you not write a letter to Dr. Hornaday and state that the company took yearling seals and defended it on the ground that it was good policy because they might have been caught by the Japanese sealers in the high seas?

Mr. CLARK. I defended the policy of cleaning up the hauling grounds.

The CHAIRMAN. Did you say that?

Mr. CLARK. I do not recall that I did.

The CHAIRMAN. Did you send me a copy of that letter?

Mr. CLARK. I do not know whether I did or not.

The CHAIRMAN. If you said it, it was true, was it not?

Mr. CLARK. It is true with an explanation.

The CHAIRMAN. Do you want to explain that also?

Mr. CLARK. It is all subject to explanation. I said that yearlings were killed in 1909 to the extent of seals below the weight of 5 pounds, and everything I have said about yearlings is dependent upon that.

The CHAIRMAN. Upon the weight?

Mr. CLARK. Yes; that is the standard. That is what the regulations were fixed by.

The CHAIRMAN. Did you write a letter to Dr. Hornaday of February 18, 1914?

Mr. CLARK. I do not recall the date. I have written to Mr. Hornaday. Mr. Hornaday said I lied to the Secretary about my figures in 1909, and I had some correspondence with him regarding the matter.

The CHAIRMAN. When did you see Mr. Hornaday last?

Mr. CLARK. I never saw Mr. Hornaday in my life.

The CHAIRMAN. Did you write to him before this date?

Mr. CLARK. I do not recall. I have written to him ever since I found out he made that charge against me, and I have never gotten any satisfaction from him.

The CHAIRMAN. You wrote to him, though, did you not?

Mr. CLARK. Yes; I wrote to him.

The CHAIRMAN. Did you ever say to him, "I will make you smart for having meddled in the fur-seal matter"?

Mr. CLARK. I might probably have said that to him.

The CHAIRMAN. Did you say it?

Mr. CLARK. Probably; and he also said to me, "If you say another word about fur seals I will take it out of Dr. Jordan," or something to that effect.

The CHAIRMAN. So you wanted him to be punished, did you?

Mr. CLARK. That was——

The CHAIRMAN (interposing): What did you mean by saying, "I will make you smart?"

Mr. CLARK. That was a case where a man was mad. He called me a liar and said I had deceived the Secretary, and I said things I would not otherwise have said if I had stopped to think about it.

The CHAIRMAN. Why did you say he had meddled? What did he do?

Mr. CLARK. Because Dr. Hornaday has no right to be heard on the fur-seal matter. He has never been on the islands, and therefore has no first-hand knowledge to offer.

The CHAIRMAN. But why did you say he meddled? Would he not have a right to talk about it if he thought something was wrong?

Mr. CLARK. I would consider I was meddling if I had never been on the islands and had never seen a seal and then spoke with authority regarding them.

The CHAIRMAN. You were a Government official then and were paid by the Government. Do you not think he had a right to call attention to things he thought were wrong?

Mr. CLARK. He had, if he had information to base his statements on.

The CHAIRMAN. What did you mean by "making him smart?"

Mr. CLARK. Well, I thought I would like to call attention to the fact that he had made a mistake when he said there were only 30,000 seals in the herd and that I lied when I said there were 158,000.

The CHAIRMAN. Did you mean to try to get him discharged, or what was the idea?

Mr. CLARK. I do not know. I will admit that that was a statement that was not worth making.

The CHAIRMAN. But you had made a report to the Government about the killing of these yearling seals and that there was "whirlwind sealing" going on, and that "no seal was too small" for the company to kill while you were on the ground; now why should Dr. Hornaday because he wanted to talk about what you said officially to the Government——

Mr. CLARK (interposing). I did not say that yearling seals were killed.

The CHAIRMAN. One minute. Why should he suffer when he called attention to the report you made?

Mr. CLARK. He had no occasion——

The CHAIRMAN (interposing). Is it because you are peculiarly interested in it, or why?

Mr. CLARK. Well, I will tell you. I was particularly vexed because he told me that I had manipulated and arranged my figures to deceive the Secretary. Now, everything can be explained on that. That is a hard charge to make against a man who has done scientific work and

has given a report that has a daily record of every bit of work he did on the islands.

The CHAIRMAN. Do you think it would be wrong for Dr. Hornaday or any other citizen to come and protest to you when he finds that you have made a report such as has been described and you have admitted you made to the Government for which you were paid—that no man has a right to call attention to it when you change your base, as it were?

Mr. CLARK. I have not changed my base. I said there were 158,000 seals in the herd, and the reports of your experts for this year vindicate that because it is stated there are now 190,000.

The CHAIRMAN. Were you in New York lately?

Mr. CLARK. I have not been in New York lately; no.

The CHAIRMAN. When were you over there last?

Mr. CLARK. I was there in 1909.

The CHAIRMAN. In 1909?

Mr. CLARK. Yes.

The CHAIRMAN. Were you there since?

Mr. CLARK. I do not recall.

The CHAIRMAN. Do you know Madison Grant?

Mr. CLARK. No; I do not know Madison Grant.

The CHAIRMAN. Do you know who he is?

Mr. CLARK. I have seen letters from him and I think I have seen references to him.

The CHAIRMAN. Did you receive any letters from him?

Mr. CLARK. Dr. Jordan did.

The CHAIRMAN. Did you?

Mr. CLARK. Well, I may have received a letter from him, but the correspondence was really with Dr. Jordan.

The CHAIRMAN. Well, what were you corresponding about?

Mr. CLARK. Mr. Madison Grant sent to Dr. Jordan a franked envelope in which had been received a public document on which was inscribed in red ink scurrilous remarks against Dr. Jordan, and he sent those things to Dr. Jordan.

The CHAIRMAN. What other correspondence was there?

Mr. CLARK. I do not recall the correspondence beyond that.

The CHAIRMAN. Do you not know there was other correspondence?

Mr. CLARK. There probably was, yes; because Mr. Madison Grant was——

The CHAIRMAN (interposing). Well, what were they corresponding about? Let us find out about that.

Mr. CLARK. He wanted to find out why it was that something could not be done to stop the misuse of the franking privilege in sending out documents of that kind.

The CHAIRMAN. Yes, that is one thing; but it is also a good thing to find out about some other abuses, do you not think so?

Mr. CLARK. Well, that was the point of the correspondence.

The CHAIRMAN. Will you send that correspondence to the committee?

Mr. CLARK. I do not know whether I can find it or not.

The CHAIRMAN. Well, you are the secretary. You know what is going on. Will you send it to the committee?

Mr. CLARK. I will see if I can find it; yes.

The CHAIRMAN. You wrote a letter to me after the former committee had filed a report, did you not?

Mr. CLARK. I have written various letters.

The CHAIRMAN. Have you a copy of it here?

Mr. CLARK. No, I have not.

The CHAIRMAN. Did you not intend it as an insult to the majority of the committee?

Mr. CLARK. I do not think I intended it as an insult at all.

The CHAIRMAN. You said it was a relief to turn to the minority report, and that we did not do the right thing. That is what you wrote to me after the last Congress had adjourned. Now what was that for?

Mr. CLARK. The fur-seal legislation had been going wrong from my point of view as an expert. I was not able to see any reason for all these investigations, and I was very anxious that the law should be repealed.

The CHAIRMAN. What law?

Mr. CLARK. The law suspending land sealing.

The CHAIRMAN. So you think that was a mistake, do you?

Mr. CLARK. I think it is a mistake, a very serious mistake.

The CHAIRMAN. Why did you write to the committee because you thought the law was wrong?

Mr. CLARK. Well, your report did not meet the issue.

The CHAIRMAN. Well, that might be a difference of opinion.

Mr. CLARK. Yes.

The CHAIRMAN. And we have heard you now before the committee, which is the proper thing to do, and it is entirely improper to write letters to committees and practically insult them; do you not think so?

Mr. McGUIRE. Mr. Chairman, where is that letter? I think, as a citizen, he has a perfect right to express himself about the committee or about anything else, unless it is something unusual. It would be very strange if I should kick on everybody who writes even insulting letters to me. This is a scientific matter about which he expresses an opinion.

The CHAIRMAN. That is true enough; but it is not a scientific matter to insult the committee.

Mr. McGUIRE. I differ very materially about some things that are said in that report, and I think there are some things in it that I can show are not facts, but that is a matter between you and me. As a private citizen and as a scientific man, and as a man in my judgment who knows more about this than anybody who has ever been before the committee, he has a perfect right to criticise me or criticise anything.

The CHAIRMAN. He has that right, and so has anybody else, but the witness is now under oath, and he has made statements inconsistent with his official report to a department of the Government.

Mr. McGUIRE. I do not agree with the Chair as to that.

The CHAIRMAN. Just one moment, please. And that is the way to bring matters to the attention of the committee. I want now to show the bias and feeling of this witness, if there is any.

Mr. McGUIRE. Then I misunderstood the Chair.

Mr. PATTON. The witness has just been condemned because he expressed his opinion of a public servant.

The CHAIRMAN. Oh, no.

Mr. PATTON. Yes. In the Dr. Hornaday matter that is just what you condemned him for, and now you turn around and do not give him the same privilege.

The CHAIRMAN. I did not condemn the witness at all. I examined him to show his bias, if he has any, and that is the reason for my questions.

Mr. McGUIRE. I misunderstood the Chair. I thought the Chair was criticizing the witness because he called attention to discrepancies in the majority report.

The CHAIRMAN. No; it was just to show that he is biased when under oath.

Mr. PATTON. That is proper, but I think the witness should be treated courteously and given a fair show.

The CHAIRMAN. Of course.

The CHAIRMAN. Now, Mr. Clark, you filed your report on September 30, 1909, and sent it to the Department?

Mr. CLARK. Yes.

The CHAIRMAN. When did you see it next?

Mr. CLARK. When it appeared in Appendix A.

The CHAIRMAN. Were you at the meeting of the advisory board when your report was considered with Mr. Lembkey's report?

Mr. CLARK. I was present at the meeting of the advisory board.

The CHAIRMAN. Well, where was your report then?

Mr. CLARK. I suppose it was in the hands of the bureau. I believe that each member of the advisory board had a copy of it.

The CHAIRMAN. Well, you said a moment ago that you did not see it until it was printed.

Mr. CLARK. I did not see it at the meeting of the advisory board.

The CHAIRMAN. Were you there when they considered it?

Mr. CLARK. Yes, sir. Each one of them had had a copy of the report and apparently had read it, and then the discussion was on what should be the advice of the board.

The CHAIRMAN. Then they substituted Mr. Lembkey's report for your report, did they not, or some parts of it?

Mr. CLARK. I was not aware of that.

The CHAIRMAN. You say on page 888 of your original report, that is, the Appendix, this:

Fifteen animals—young bulls—too large for killing and nine shaved heads were exempted, but no small seals whatever. As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than five pounds weight are taken and also skins of eight and nine pounds. These latter are plainly animals which escaped the killing of last year because their heads were shaved. Otherwise it does not seem clear how they did escape.

Did you say they killed seals that had their heads shaved?

Mr. CLARK. No, sir.

The CHAIRMAN. Then is this statement in your report false?

Mr. CLARK. No, sir; we clipped the heads of 2,000 animals—.

The CHAIRMAN (interposing). Now, one moment. You say,

These latter are plainly animals which escaped the killing of last year because their heads were shaved.

Now, did you see that?

Mr. CLARK. There was no shaved marks on the heads of those animals that were killed.

The CHAIRMAN. Well, why did you say that here?

Mr. CLARK. Because the mark put upon the seals for breeding reserve was temporarily made with sheep shears. The fur was clipped off leaving a white spot on the tip of the head, which protected the animal for the season and by the next spring it had disappeared, and the animal had no mark on him.

The CHAIRMAN. Then why did you say this if you could not see any of them?

Mr. CLARK. How could they have survived?

The CHAIRMAN. Not how could they have survived, but how could you say it if you did not find it?

Mr. CLARK. Because I believed it to be a fact. If those animals had not had the clipping on them the year before they would have been killed then. They were clipped the year before and protected throughout the season, but the next year the mark was obliterated.

The CHAIRMAN. This morning you said that you made the notes of what you saw on the island day by day.

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you mean to say that you did not see this and yet you say it in your report?

Mr. CLARK. Well, I admit that—I do not see any difficulty about it, Mr. Rothermel.

Mr. PATTON. Nor I. \*

Mr. CLARK. I say that these animals were killed in 1909, but if they had not been marked the year before they would have been killed the year before. Now, I want to say right here to the members of this committee that I am being caught up on field notes. Field notes are made from day to day in the report as you see it, but they are not the final judgment. They are a truthful record of my impressions. I might record something to-day that might appear to be right, but the next day it might be wrong.

The CHAIRMAN. Did you not take this from your field notes?

Mr. CLARK. It is in my field notes, but not in my report.

The CHAIRMAN. But it is made a part of your report.

Mr. CLARK. Very true, because I was asked to put down my observations, but my judgment is what ought to be depended upon and not my rough field notes.

Mr. PATTON. You say that the ones that had been marked were killed? Do you mean that the hair had grown out and they could not be distinguished and they were killed?

Mr. CLARK. Yes, sir.

Mr. PATTON. That is clear then. That is only a catch question in the matter. He says, Mr. Chairman, that if they had not been shaved they would have been killed the season before.

The CHAIRMAN. But he says: \*

As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than 5-pound weight are taken and also skins of 8 and 9 pounds. These latter are plainly animals which escaped the killing of last year because their heads were shaved.

Mr. PATTON. You could not discover the marking on their heads.

The CHAIRMAN. But it was just as much against the law whether that was done or not.

Mr. CLARK. Well, I was criticising that method of making a breeding reserve and I asked that a red-hot iron brand be substituted for the sheep shears.



The CHAIRMAN. But you had gathered the information that this was going on and that is the reason you put it in your appendix.

Mr. CLARK. Well, I also put it in my report that the methods were faulty—not that they were unsuccessful, but that they were faulty.

The CHAIRMAN. Now, this is one of the parts of your report, or the appendix attached to the report, that was not taken out, but for which there was a substitute made on the part of Mr. Lembkey and the advisory board——

Mr. WATKINS (interposing). Before we leave this point, Mr. Chairman, may I ask a question?

The CHAIRMAN. Certainly.

Mr. WATKINS. What was the object of either branding or shearing the seals at the time they were branded or sheared?

Mr. CLARK. Well, as the killing was growing close with the declining herd an effort was made to make a positive breeding reserve.

Mr. WATKINS. Well, it was a reserve. That is the point.

Mr. CLARK. Yes.

Mr. WATKINS. It was to distinguish the reserve?

Mr. CLARK. Yes, sir.

Mr. WATKINS. Then if those were reserved in one season, what reason was there why those who were included in the reserve the previous season could not be disposed of in a subsequent season? In other words, was that a permanent reservation of individuals or could they all be taken together next year?

Mr. CLARK. Well, that was the danger of the temporary mark.

Mr. WATKINS. Now, what reason would there be for making a permanent reservation of any particular individuals?

Mr. CLARK. There has to be an increment of males added to the herd each year.

Mr. WATKINS. So that it was a permanent addition?

Mr. CLARK. It ought to have been a permanent addition, but some of those that were killed in 1909, the 4-year-olds, must have escaped the killing of the year preceding, if they came through, because of this mark.

Mr. WATKINS. So that if they had been marked for reservation in 1909 it would not have been permanent under the regulations and they could be killed in 1910?

Mr. CLARK. We marked 2,000 of them in 1909 and they were protected all through. We watched them all through and not a single one of them—with the exception perhaps of a few that might have been accidentally struck in striking others, a negligible number, were killed; all the rest were saved.

Mr. WATKINS. Then you recommended branding instead of shearing because it would be permanent?

Mr. CLARK. Yes; if there was a red-hot iron mark on the head or some other part of the body, the animal would be protected until it got clear out of the killing range. I will say here that the breeding reserve that was set aside was composed of 2,000 animals and the breeding stock did not number over 1,300. So that it was four times as great as it ought to have been, and the killing of some of those was practically an economy, because the breeding reserve was too large.

The CHAIRMAN. Now, another question in connection with Judge Watkins' question. It is just as unlawful to kill a seal under the law and regulations that has been reserved as it is to kill a small seal?

Mr. WATKINS. You mean if they are to be identified?

The CHAIRMAN. Well, they can be identified enough. In other words, those that are reserved for breeding purposes can not be killed under the law and regulations.

Mr. CLARK. Of course, in order to make it a violation of the law in the killing of those it would be necessary to prove——

The CHAIRMAN (interposing). Not what it is necessary to prove, but is it not against the regulations and the law to do it? That is a plain, simple question.

Mr. CLARK. The regulation provides that they shall not be killed at least in the year they are branded, and of course it ought to be permanent.

The CHAIRMAN. Are you going to impress the committee, now, with the fact that that is the case, or that it is absolutely true that when they are reserved for breeding purposes they shall not be molested or touched?

Mr. CLARK. Well, that ought to be so. In my report I called attention to the fact that there was danger of killing in the following year an animal that had been given a temporary mark in the year under consideration, and I wanted to have substituted for that temporary sheep-shearing mark a permanent brand. In 1912 we demonstrated that a permanent brand with a red hot iron could be made, and I wanted that substituted for the sheep-shearing brand.

The CHAIRMAN. Then you are not clear whether that is true in the regulations as you have stated it. Is it not a fact that according to the regulations, no seal can be taken after he is reserved? Dr. Evermann, what is your recollection about that?

Dr. EVERMANN. Mr. Chairman, I do not think the regulations have covered that point. The regulations assume that when you set aside ascertain number of seals as a breeding reserve, they will be protected as a reserve, and we have all recognized that with this temporary brand they can not be distinguished the next year. If they were 3-year-olds and branded with a sheep-shearing brand, when they came back the next year they would be 4 years old and the weight limits would exempt them largely, not because of the instructions but because of their weight of more than  $8\frac{1}{2}$  pounds.

The CHAIRMAN. My recollection was, and I want to be right about it, that the condition is not in the regulations, but that after they are once exempted they continue to be exempted, and it is contrary to the regulations to take them.

Dr. EVERMANN. The regulations have never said that you can not kill a seal because he is branded.

The CHAIRMAN. But they fix a pound limit the same as they do with smaller seals?

Dr. EVERMANN. Yes;  $8\frac{1}{2}$  pounds.

Mr. MAGUIRE. They are exempted by limitation after a certain time; after a certain time they do not want them.

Dr. EVERMANN. But if a yearling or small seal were branded when it came back next year, that seal might be killed legally, provided his skin did not weigh as much as  $8\frac{1}{2}$  pounds.

The CHAIRMAN. In other words, there is a maximum fixed by the regulations, and a minimum, and if they go beyond either it is unlawful to take them?

Dr. EVERMANN. Yes; but it is no more unlawful to kill a branded seal whose skin does not weigh  $8\frac{1}{2}$  pounds than it is to kill a seal who is not branded whose skin weighs  $8\frac{1}{2}$  pounds.

The CHAIRMAN. It is merely a question of identification.

Dr. EVERMANN. Yes.

The CHAIRMAN. Did you not say in your report, Mr. Clark, on page 891, I think, that the sealing company took every seal that they drove except a few small runts and a few half bulls?

Mr. CLARK. At what point on the page?

The CHAIRMAN. I am not sure about the page.

Mr. CLARK. Well, page 891 is in my field notes and I want to call attention to the fact that these observations are records of truthful recollections of things that appeared from day to day on the ground.

The CHAIRMAN. But did you not see them?

Mr. CLARK. Yes, and when I said that they took all of the young small seals except the very runts or the small ones, I meant, in the light of my experience with the branding, that they took every 2-year-old, because now I know that the yearlings did not come to the hauling ground.

The CHAIRMAN. Then you drove some runts with the 2-year-olds, if that statement is correct?

Mr. CLARK. Well, a runt means a very small animal.

The CHAIRMAN. Well, not what it means, but do they drive some of the runts with the 2-year-olds?

Mr. CLARK. There were some very small animals in the drive, but they were exempted from the killing.

The CHAIRMAN. On page 903 Appendix "A," special agent Lembkey states that you are not warranted in criticising the close killing of 1909. I may be mistaken about the inference there, but I will read what he did say:

To sum up, we find that Mr. Clark's statement that all 2-year-olds were killed in 1909 is negatived by his own statement in another portion of his report that probably 6,000 of these animals survived; that it is shown that practically 6,000 young males survived the season in question, when only 280 of these are required to mature as breeders to preserve the herd of males at its present numbers, and that with the enforcement of existing regulations, it was impossible to kill as closely in 1909 as it was in 1889, however close the killing in that year actually might have been.

How does your clear statement on page 861 and 866 meet with that statement?

Mr. CLARK. Of course, I think you ought to ask Mr. Lembkey about that. I have not given attention to that, and I can not answer for his criticism of my report.

The CHAIRMAN. Were you present when the advisory board held its session?

Mr. CLARK. Yes, I was.

The CHAIRMAN. Who was there?

Mr. CLARK. Dr. David Starr Jordan, of Stanford University, Dr. L. Stejneger, of the Smithsonian, Dr. F. A. Lucas, now of the American Museum of Natural History, Dr. Charles H. Townsend of the National Aquarian, myself, Mr. W. T. Lembkey, Dr. Evermann, and Commissioner Bowers. That is my recollection, but I think that is a matter of record, is it not? It ought to be somewhere here.

The CHAIRMAN. Was your report published?

Mr. CLARK. In Appendix "A."

The CHAIRMAN. Not until then?

Mr. CLARK. No.

The CHAIRMAN. Where was it in the meantime, do you know?

Mr. CLARK. I do not know; probably in the archives of the Bureau of Fisheries.

The CHAIRMAN. Was Lembkey's report published?

Mr. CLARK. I think it was.

The CHAIRMAN. Was your report, or the substitution of it, ever sent to a Senate committee?

Mr. CLARK. I do not know as to that.

The CHAIRMAN. Do you know whether Lembkey's report was sent up to the Senate committee or substituted?

Mr. CLARK. No; I do not know anything about that.

The CHAIRMAN. But the advisory board substituted certain parts of his report for yours.

Mr. CLARK. I was not aware of that.

The CHAIRMAN. Then that was not discussed in the meeting, was it?

Mr. CLARK. Not to my knowledge.

The CHAIRMAN. Are there any questions?

Mr. WATKINS. Mr. Chairman, I have some questions prepared here which might cover the same ground as yours; I think you had better put them yourself.

The CHAIRMAN. You can put them yourself if you want to.

Mr. WATKINS. I think some of them are covered by your questions. You might look over them.

The CHAIRMAN. Mr. Clark, I am asked to ask you this question: Were you told by any officials of the department—Secretary, Commissioner, or anyone—that Mr. Lembkey's explanation had been taken for official publication in lieu of your report?

Mr. CLARK. No, sir.

The CHAIRMAN. You do not know anything about it, do you?

Mr. CLARK. No, sir.

The CHAIRMAN. The other questions I have already asked.

Mr. WATKINS. They cover the same ground.

The CHAIRMAN. You received a letter from George M. Bowers, commissioner, on November 1, 1909, in which he requested you to come to Washington?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Did you come here pursuant to that letter?

Mr. CLARK. Yes.

The CHAIRMAN. And you then came to the Bureau of Fisheries, and you were there with the advisory board?

Mr. CLARK. Yes, sir.

The CHAIRMAN. That was the time, was it not?

Mr. CLARK. Yes, sir.

The CHAIRMAN. I think that is all I can find, Judge, that I had not asked. Is there anything else?

Mr. PATTON. Do you mean to finish up with the witness now?

The CHAIRMAN. Yes.

Mr. WATKINS. Mr. McGuire can not be here to-morrow.

Mr. PATTON. Are you going into anything about the herd up there?

Mr. CLARK. I have submitted two subsequent reports, and they are more important than anything that has preceded them.

The CHAIRMAN. You have a report that you submitted to the Bureau of Fisheries?

Mr. CLARK. Yes, sir. One for 1912 and one for 1913. I wish to be of service to the committee. I have prepared a statement of the present conditions, and I should like to present it to you. I think it is more important to deal with that than to deal with these various questions that are not really so important, and I had hoped for an opportunity to present that statement before the committee in an orderly manner.

Mr. PATTON. I think it would be a good thing, in view of the report we had last year in regard to the number of the herd up there. Now, the number has changed so wonderfully, I would be glad to have you submit something giving further light on it.

The CHAIRMAN. I did not know that he had made a report last year, but the department informed me that he was up there last summer. Have you those reports with you?

Mr. CLARK. Yes, sir; but I think the committee should properly call for them from the Secretary. However, I will be willing to submit them. I have a statement here.

The CHAIRMAN. Have you a statement that you wish to submit also?

Mr. CLARK. Well, I have not prepared it so that I can submit it. I should like to read it. It is not in condition to submit to the committee but I should like to read it as I go along.

The CHAIRMAN. Very well.

Mr. CLARK. Now, the condition of the herd in 1913 is a very important question. A careful estimate of the fur seal herd for 1913 shows it to number 268,000 animals. The estimate for 1912, made under similar conditions shows 215,000. The gain between the two seasons has therefore been approximately 25 per cent, chiefly in bachelors, on account of suspension of killing.

The CHAIRMAN. Mr. Clark, at that point, have you a tabulated statement of how many cows, yearlings, and two-year-olds there are?

Mr. CLARK. Yes, sir.

The CHAIRMAN. You have that in your report somewhere, I suppose?

Mr. CLARK. Yes. I wish to discuss the following points:

First, the condition of the herd. The breeding female stock, the important element in the above estimate, numbered 92,269 in 1913, ascertained by an actual count of the pups on all the rookeries. A similar estimate of the females for 1912 gave 81,984, also ascertained by a count of all the pups. Of course, for every pup there must have been a mother. In the stock of breeding females and their young there was a gain of  $12\frac{1}{2}$  per cent between the two seasons—the first two seasons of exemption from pelagic sealing.

The stock of breeding males, the second important element, numbered 1,403 in 1913, as against 1,358 in 1912, a gain of 3 per cent and something over. This was by actual count in the height of the breeding season. The stock of harem masters has been practically stationary for some years, that is, in 1911, 1,373; 1910, 1,381; 1909, 1,387; 1908, 1,365; 1907, 1,383; 1906, 1,471; 1897, 4,418.

The stock of reserve males was 364 in 1913. It was 312 in 1912; 317 in 1911; 397 in 1910; 513 in 1909; in 1897, 5,000. These figures are found by actual count at the height of the breeding season.

The special breeding reserve of 4-year-olds. In 1912, 2,000 3-year-old males were specially marked and set aside as breeders. None of these were killed in 1913. This, therefore, gives the number of 4-year-olds in the herd for 1913, 2,000.

The number of 3-year-old males, ascertained by a combination of counts and estimates, was 10,000. These were killable seals and had the law not prevented they would have been taken.

The number of 2-year-old females, 15,000; males, 15,000. These figures are obtained by a combination of counts and estimates, deducible from the known birth rate of 1912, allowance being made for losses in second migration.

The number of yearlings—20,000 each, males and females, estimated from the known birth rate of 1912, 81,984 pups.

The CHAIRMAN. How do you distinguish the sex in the yearling?

Mr. CLARK. I do not distinguish it, but we know from numerous experiments that they are born equally. In other words, you will find on any rookery that they run about so many females to the same number of males.

The CHAIRMAN. The sex can not be told in yearlings?

Mr. CLARK. Not except by an examination, and the fact is that the yearling females keep away from the males.

The CHAIRMAN. Well, clubbers could not tell by seeing them on the ground?

Mr. CLARK. No, but we do not have to depend on their judgment because the bulls keep them away.

Mr. McGUIRE. You say you do not have to depend on the judgment of the killers with respect to the yearling females. Do you mean to say that they are not there?

Mr. CLARK. Yes.

Mr. McGUIRE. Why?

Mr. CLARK. No yearling female could live on the hauling ground. The older bachelors would simply make life unendurable for her.

The CHAIRMAN. Were they all mixed up when you were there in 1913? They go everywhere, do they not, the yearlings and the 2-year-olds?

Mr. CLARK. I say this is only estimated from the fact that there were 81,984 pups born in 1912, and the best light we have on the losses sustained by the pups in the first winter is about 50 per cent. That is the highest loss that has been put on the pups during the first migration. I am assuming they met that loss, which leaves about 40,000 yearlings, and half of them will be females and half of them males. Of course, I did not see any of the animals but those figures are deducible from the known birth rate of 1912.

The CHAIRMAN. When you say that the yearling does not come on the hauling ground, why did you say in your report that the company did kill yearlings. They must have killed them away from the hauling ground.

Mr. CLARK. Mr. Rothermel, you are pressing my observation rather too far, because I say there were only 16 of them killed.

The CHAIRMAN. Then they must have been killed off the hauling ground.

Mr. CLARK. No; my report shows that there were 16 animals killed in the quota of 1909 below 5 pounds, and they were yearlings.

The CHAIRMAN. How did you ascertain the weight?



Mr. CLARK. By the weighing of the skins at the salt house.

Mr. PATTON. That included what may have been killed for food?

Mr. CLARK. They might have been killed in food killings. But in the report there are 16 skins that could properly be called yearlings.

Now, second, the results of the suspension of pelagic sealing: In 1912 there was an immediate gain of 15,000 breeding females, with their pups—animals which would have been killed had pelagic sealing been in operation in the spring and summer of 1912.

In 1913 there was a normal increase of 10,000 pups, indicating a like gain in young 3-year-old females, a gain in breeding stock of 12½ per cent as noted above.

This gain is not strictly normal, because the birth rate of 1911 from which these young cows came was affected by pelagic sealing, that is, diminished through the death of pups, unborn, with their mothers, or as dependent pups, by starvation.

A count of pups for 1914 should show the normal increment of gain annually, the birth rate of 1912 being unaffected by pelagic sealing.

The normal increment of breeding gain may be computed theoretically as follows: Breeding life of female 10 years; 10 per cent of the adult female stock die annually. The quotas of 3-year-old males in recent years show a survival of approximately 25 per cent of the birth rate to the age of 3 years. That refers to the number of animals killed by the leasing company, presumed to be 3 years of age.

The CHAIRMAN. Now, what percentage, if you know, were killed at sea by the pelagic sealers?

Mr. CLARK. The joint commission of 1896 and 1897, that is, the British-American commission, united and accepted and agreed upon the figures which Mr. A. B. Alexander brought from the Bering Sea, that 55 per cent of the pelagic catch was females. They also accepted the report of Andrew Halkett, the Canadian commissioner, who found a percentage of 84 females in 100 of the pelagic catch. Those two figures were agreed upon as the proportion of females in the pelagic catch by the joint commission of 1897.

Males and females are equal at birth and subject to like losses. The gross gain in young females is 25 per cent. The loss in adult breeders is 10 per cent. The net annual gain is 15 per cent. We have a gain for this year of 12½ per cent.

Mr. WATKINS. You speak so certainly of the exact numbers. What is there to prevent you from counting the same seal twice?

Mr. CLARK. Well, the rookeries are divided by natural landmarks. There are about 14 of them and they are divided in such a way that there is no interchange, because we count them before the pups take to the water, and if we start to count the Reef peninsula, for instance, we finish that in the same day we start.

Mr. WATKINS. So that there is no chance for the same ones to intermingle with the others and get counted in a subsequent count?

Mr. CLARK. No, sir; it could not occur.

Now, third, the results of suspension of land sealing: To date it has had no effect on the breeding life of the herd and can not have until 6 to 8 years hence. The young males exempted from killing in 1912 must attain breeding age, 6 years at a minimum before they can obtain harems, and the offspring of their begetting must attain the age of 3 years before they can appear as young breeding cows or as killable males. That is, these animals allowed to escape in 1912 and



1913 must add 3 years to their age before they can breed and then there must follow 3 years before their offspring can appear as breeders or killable seals. We can not therefore look for any results from the suspension of land sealing for 6 to 8 years from now.

The only tangible result of the suspension of land sealing is that 10,000 young 3-year-old males were allowed in the season of 1913 to pass into the category of breeding bulls. The result of this action is not apparent at this time. It will appear 8 to 10 years hence when these animals, having attained full adult strength, take up the contest with the active bulls for possession of the females. The present stock of breeding bulls is 1,403, or, if we include the reserve stock, approximately 1,800. An accession of 10,000 animals in a single year is wholly unwarranted. The law provides for a repetition of this unwarranted increment of breeding males through four seasons more, and then for 9 years more there is to be an added loss of 4,000 seals annually through an excessive breeding reserve requiring 5,000.

Fourth, the adequacy of the present stock of males: The stock of breeding bulls was adequate in 1913 because there were 105 adult bulls held in idleness by their more fortunate neighbors. Had there been any dearth of breeding bulls, these animals would have obtained harems. In addition there were 259 young bulls held out of harem duty in the same way. These young animals were of full breeding age and capacity, but simply did not have the strength to meet the adult bulls in contest.

The stock of breeding bulls was virile and potent. In 1912 there were 1,358 bulls in active harem duty. The 92,269 pups found on the breeding grounds in 1913 were due to their ministrations in 1912. No other proof of their potency need be urged. The same may be said for the 1,373 bulls doing harem duty in 1911, which were responsible for the 81,984 pups counted in 1912.

The average harem for 1911 yielded 60 pups in 1912; the average harem for 1912 yielded 65 pups in 1913. It may be asserted that these averages are not too high because the bulls voluntarily assume responsibility for as many as 150 cows, if they can obtain control of them. The present conditions are not abnormal. Steller, who saw the animals in 1741 in a state of nature, reports the families—8, 15, 50, and 120 "wives" to a single bull. That will be found on page 203 of the report of the commission of 1896-97, volume 3. Veniaminof, the Russian bishop, speaks of "olden times" when bulls had from 500 to 700 females. That will be found in Zon's translation of Veniaminof's *zapiska* paper, a copy of which I can supply to the committee. The general run of harems differs little from conditions in 1896-97, when the number of idle bulls equaled the number of active bulls and there was constant struggle. There were more single-cow harems in 1896-97 as a result of captures by idle bulls, but even then there were many harems of 100 and over. Close observations in 1909, in 1912, and again in 1913 show no material change. There always have been small harems and large harems. It is a question largely of location.

The question at issue is one of capacity on the part of the bull. Veniaminof tells us (Zon's translation, manuscript, p. 17) that a bull in 24 hours can handle 25 females.

Mr. WATKINS. Do you give that full allowance as correct?

Mr. CLARK. No; I am simply stating the previous facts. I will come down to my own statement in a moment. In 1912 two services by

an individual bull with only a 15-minute intermission were observed. That is detailed in the field notes of my 1912 report, July 23. Service of 3 cows in 12 hours by the same bull was observed in 1912. That is found in field notes of July 1. We sat on the rookery and Mr. Marsh and myself held under observation two large harems with a view to trying to determine the capacity of the bulls, and in three periods of 4 hours waiting each this bull served 3 cows. There remained 8 hours of the day when we did not observe him. Many observations of two services within an hour have been made. The breeding season covers the period between June 12 and August 12. There would seem to be nothing inherently difficult in the service of 60 to 90 cows by one of these animals. The disparity between the sexes—400 to 500 pounds for the bull; 75 to 85 pounds for the cow—predicates unusual sexual capacity. It may be said that where a bull has charge of 100 or more cows he is practically always under necessity of sharing his task with the neighboring idle bulls. When the cows come in heat too rapidly for his attention, the idle and young bulls push into his harem, or the cows wander out to other neighboring harems.

Fifth, the increment of breeding males. The male is sexually mature at 3 years and under a minimized stock of breeding males would enter upon the office of reproduction certainly at the age of 6 years. A large stock of idle bulls simply shuts these animals out of the breeding grounds until they attain full adult strength at 7 to 9 years. There is no advantage in forcing an animal to wait two years after he has attained full breeding capacity.

The life of the male is about 14 years. His breeding life is from 6 to 8 years. The theoretical increment of breeding males should be one-eighth to one-sixth of the active stock, for this proportion of the active stock of males perish each winter at sea through natural termination of life. To leave a margin of safety, and to provide against emergency conditions, this theoretical increment should be considerably increased—to, say, one-half of the active stock in any season. Thus, for the present stock of 1,400 bulls, there should be an annual reservation of 700 young males, or to provide for the increase in the herd, say, 1,000. No larger increment can be justified under any condition.

The law of 1912 has caused an increment of 10,000 to be made in 1913, with a slightly increased number for each succeeding season till 1917; after that for 9 years there is to be an annual reservation of 5,000. Thus the law will create a stock of approximately 95,000 breeding bulls for a herd of females which in that period—1913 to 1926—can not possibly use more than 10,000 bulls. This would provide for a complete replacement within the 13 years of a stock of 5,000 bulls. It is doubtful whether the stock of breeding males needed in 1926 will exceed 5,000, and the increase from 1,400 to this figure will be slow and gradual.

The recommendation of the advisory board of the fur-seal service in 1909, and the Dixon law of 1910, sought to fix a proper breeding reserve by providing that no more than 95 per cent of the 3-year-old males should be killed in any given year. At that time the survivals to the age of 3 years were known from the quota to be approximately 15,000.

But the Dixon law does not provide for a breeding reserve as was intended. There are other defects in the Dixon law which I might

point out. The Dixon law says that in the case of young seals the other conditions may be waived and the natives may kill young seals for food and old seals for boat coverings, and it also says that females will not be killed, nor animals of one year of age, "except as above noted," which, if you take it literally, means that for food purposes you might kill yearlings and also females.

Five per cent of the 15,000 surviving 3-year-olds I mentioned would have been 750 animals annually, a reasonable increment of gain, equal to one-half of the active stock and subject to natural increase with the growth of the herd, which would bring in an enhanced number of 3-year-olds.

This provision of the Dixon law was, however, nullified by the failure to limit the killing to 3-year-olds. So long as 2-year-olds could be killed, and 4-year-olds also, the 95 per cent rule had no force. For example, suppose all the 2-year-olds were killed in any given season. There would be no 3-year-olds the next season. Or, suppose 5 per cent of the 3-year-olds were saved one year, and these were killed as 4-year-olds the next year. The Dixon law is faultily drawn and should be amended.

Sixth, the effect of the overstock of males: This will not manifest itself for 6 to 8 years. It will reach its height in 1926, and continue till 1934. That is, the 95,000 bulls I spoke of will exist as an overstock. From 1920 to 1930 will be a period of intense struggle among them on the breeding grounds.

The CHAIRMAN. Mr. Clark, I want to ask you this: Are you a lawyer?

Mr. CLARK. No; I am not.

The CHAIRMAN. Well, it just occurred to me that you might be a lawyer. That is all.

Mr. CLARK. There will be, between 1920 and 1930, 9 adult bulls for every one actually needed. It is not necessary to detail what will happen. Those who saw the rookeries in 1896-7, when a similar but much less aggravated case of overstocking existed, can faintly appreciate the injurious results to the herd.

In 1897 we counted 42 dead cows on Reef Rookery; this rookery had 25 dead cows in 1896—most of them in each year dead from rough treatment by fighting bulls. They were bitten through the back and bitten through the neck; the canine holes were there to show for it. The full toll of dead cows in 1896 was 131. There were 11,000 dead pups, most of them dead as a result of trampling due to the excessive fighting. In 1912, when fighting was at its lowest ebb, 1,060 dead pups and 27 dead cows were found; in 1913, 1,465 dead pups and 30 dead cows were found, the death of the pups being due to trampling and to overlying of mothers or neighboring cows, all these deaths being due to natural, unavoidable confusion present on the rookeries in a normal state.

Mr. McGUIRE. Is there anything done with the dead ones found? That is, are their skins taken if they are not in a state of decay?

Mr. CLARK. No; we took every cow that we found that was in suitable condition for specimens, and, according to instructions of the department, I had them skinned and put away in salt in the salting house, subject to orders.

Mr. McGUIRE. They were not put on the market?

Mr. CLARK. No. Now, if these losses occur with a perfectly normal stock of bulls, the result of the heavy overstock of bulls now being provided for will be an enormous increase of loss. For illustrations of the evil effect of fighting bulls see field notes, volume 2 of the report of the commission of 1896-97. I thought of reading these notes to the committee. Is it desirable to do that?

The CHAIRMAN. Well, you can give the reference to them.

Mr. CLARK. Pages 535, 536, 549, 550, etc. Now, I would like to hand this photograph of a skin of a cow bitten to death by her bull to the members of the committee in order that they may see what has been done to the cows under my observation.

The CHAIRMAN. What year is this?

Mr. CLARK. 1897. In 1897——

The CHAIRMAN (interposing). Now, just one moment. Are you sure that some of them were not speared in the ocean and came on land?

Mr. CLARK. Well, that one was not.

The CHAIRMAN. Was that your observation?

Mr. CLARK. No; we found one cow with a spear head in her on the rookery. That is the only one.

The CHAIRMAN. Were some of them shot?

Mr. CLARK. Yes; we took shot out of many of them on the killing fields.

Now, seventh, the struggle among the bulls is not necessary: Rational methods of breeding do not call for this struggle. It is not allowed among domestic animals. Man's selection in the case of the fur seals is not one——

The CHAIRMAN (interposing). Is it natural for the male to want to tear the female to pieces?

Mr. CLARK. No; it is not natural, except that when the animals are coming in heat the idle bulls try to capture them. Now, the cow is a 75-pound animal and the bull weighs 500 pounds, and he treats her just as a dog would a rat. He picks her up in his teeth and carries her away 25 or 50 or 75 feet and another bull attacks him and they may tear her to pieces in their struggle.

Now, I want to pass around these pictures at this point for two reasons. At the bottom of the page I want to call attention to the size of this big bull [indicating].

Mr. WATKINS. What is the location?

Mr. CLARK. Down at the lower left hand corner. That is an adult bull seal.

The CHAIRMAN. When were these taken?

Mr. CLARK. These were taken at various times. I took this cow and pup picture in 1909. This little pup was anchored by its placenta a mile back from the rookery, for some unknown reason, and I had to battle with the mother before I could cut the umbilical cord free. Now look at the picture above these two and you will see the condition that appeared in 1897 when the idle bulls were set behind the breeding masters in rows three or four deep. It happened that on the day when the picture was taken the weather was clear and warm and the animals were asleep, but the normal condition of that breeding ground in 1897 was one of continual fighting, and when you get your 95,000 young bulls distributed over the Pribilof Islands 12 years hence the number of pups trampled to death will be enormous.

Mr. ELLIOTT. It did not amount to one-half of 1 per cent when I was up there.

The CHAIRMAN. Is it a fact that these different bulls place themselves in a certain position and then the females come to a certain locality—

Mr. CLARK. Oh, yes; they take up their locations on the shore a month before the females arrive.

The CHAIRMAN. They come on the islands and locate themselves, and the natural order of things is that so many females come into each territory or harem, if I may call it that.

Mr. CLARK. Yes; that is correct.

The CHAIRMAN. The bulls station themselves before the females come along?

Mr. CLARK. Yes; a month before.

The CHAIRMAN. They occupy their respective places?

Mr. CLARK. Yes.

The CHAIRMAN. They keep their places until they depart again, do they not?

Mr. CLARK. Until the breeding season is over.

The CHAIRMAN. Until they depart?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do they interfere with each other?

Mr. CLARK. Yes; the idle bulls. When a bull has a hundred cows and three or four idle bulls are around the territory these idle bulls rush in and grab cows, carrying them off. If a bull holds the captured cow other cows may come to join her. I remember a bull that I saw in 1912. We watched him for more than a week. There were a hundred cows in the harem when we first saw it, and there were 10 idle bulls around this bull. The idle bulls were perfectly content at first, but in the course of a week, when the cows began to come in heat more rapidly than he could serve them, we saw the phenomenon of 13 harems established there, all from 1 harem, by capture and by voluntary removal.

The CHAIRMAN. Were there any idle bulls in 1913 when you were up there?

Mr. CLARK. There were 105.

The CHAIRMAN. These are observations as to what you observed on the islands?

Mr. CLARK. These are what I can contribute after a stay of 9 months and 18 days on the islands.

The CHAIRMAN. But these are your observations of 1913, are they not?

Mr. CLARK. Of course; but relating back to 1912, 1909, and 1896-97.

The CHAIRMAN. A report like this is on file in the department, is it not?

Mr. CLARK. Yes; elaborated. This is a condensation.

Thereupon, at 4 o'clock p. m., the committee adjourned until tomorrow morning at 10.30 o'clock.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EXPENDITURES IN  
THE DEPARTMENT OF COMMERCE,  
*February 21, 1914.*

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

There were also present: Mr. Stephens of Texas, Mr. McGuire, and Mr. Patton of Pennsylvania.

The CHAIRMAN. Mr. Clark, you may resume.

**STATEMENT OF MR. GEORGE A. CLARK—Continued.**

Mr. CLARK. As Mr. Stephens was not here yesterday afternoon, may he look at these photographs? I passed them around because they show the contrast in the animals and show the typical harems and so on.

I had come to the consideration of topic 8—Special considerations affecting the first seal herd: Special considerations connected with the breeding life of the fur seals make an overstock of bulls particularly harmful to these animals. Among ordinary animals that live in the open there is a distinct period following the birth of the young before the mother comes in heat or becomes the object of sexual attention on the part of the male. In this period the young attains some age and strength and is able to care for itself. In the case of the fur seal mother, she comes in heat almost immediately—within 48 hours in some cases, and always within a few days. As a matter of fact she is not allowed to leave the harem between the birth of her pup and reimpregnation. Harem life is crowded at best. I have shown you that mass of seals in the photograph of Tolstoi in 1897 as an evidence of that fact. The bull is an animal of 400 to 500 pounds weight—

The CHAIRMAN (interposing). Did you tell us yesterday when these photographs were taken?

Mr. CLARK. This photograph here of Hutchinson Hill seals was taken in 1912.

The bull is an animal of 400 to 500 pounds weight; the mother seal weighs 75 to 80 pounds; the pup about 12 pounds at birth. The moment of birth is a critical one. The mother gives no thought to preparation for labor. The pup may be voided under the nose of a neighbor cow, which, in sheer vexation will take it by the back of the neck and throw it over her head. I have seen that done on the rookeries. It may be sent sliding down a rocky incline, and the mother is lazy and slow about following it up. It may be two hours before she will get to that pup. The pup will keep calling to her, but she will not go to it until she gets good and ready.

Many pups smother because the mother does not quickly enough remove the impeding membrane from about the nose. That is a critical matter, because we discovered a number of deaths due to suffocation by the membrane on the nose. The animal had never breathed. These observations are outlined in my report.

If an idle bull makes an attack upon a harem at is always when the harem bull is on the farther side. The harem master in counter attack makes a direct line through the harem, overturning cows, stepping on them and upon the pups, causing confusion throughout



the whole group. Births are suspended; cows and newly-born pups are widely separated. This experience may be repeated for a large harem a hundred times a day, when there are idle bulls in close proximity. The act of copulation, a clumsy process, may proceed beside a case of parturition and may disturb it with fatal results. It is unnecessary to go into greater detail. The period of greatest births; that is, of greatest helplessness among the pups and mothers, and the period of heat, which occasions the fighting among the bulls, are practically simultaneous. Anything which tends to augment the fighting and confusion on the breeding grounds—as the overstock of bulls does—is simply criminal. Every effort should be made to reduce the fighting to a minimum. To this end the superfluous males should be removed.

Ninth, the waste involved: In addition to the loss—I mean the biological loss—resulting from the destruction of mother seals and young, already referred to, the failure to take the 10,000 killable seals in 1913, involved a heavy financial loss. Sealskins sold recently, according to the Associated Press dispatches which came to us in California, at St. Louis at \$52 apiece. The Government had not over 2,500 sealskins to sell. It should have had 10,000 in addition to what it had. The return to the Government should have been \$520,000 more than it got. That is, assuming that the price stated is correct, which I have taken from the papers. The loss involved will increase and grow greater with each season of the close period.

Tenth, the arbitrary curtailment of the food killing: The law of 1912 provides for a food killing for the natives residing on the Pribilof Islands, without specifying the number of animals to be killed. Such a food killing should provide fresh meat for the summer and salted meat for winter use. There are 300 people resident upon the islands. In common with the people of the north, they are heavy meat eaters. The bachelor seal dresses about 25 pounds. Five thousand animals would give the native population a ration of a little over 1 pound of meat a day through the year, a ridiculously small allowance.

The CHAIRMAN. They do not eat the fat. They only eat the meat.

Mr. CLARK. I presume that is true. They cut the shoulders out and the loin and such parts as are choice and leave the blubber.

This ration of 1 pound of meat a day would be too small. In 1891–1893, when there was a similar limitation of killing, Great Britain agreed with us that 7,500 seals was a normal annual food killing for the same population. The population is practically identical to-day with what it was at the other time.

The CHAIRMAN. What year was that?

Mr. CLARK. 1891–1893. There was a *modus vivendi* which limited the killing on land, and the British Government agreed with us that we could kill 7,500 seals for food for the natives.

The CHAIRMAN. How many did they kill?

Mr. CLARK. Just that number. They were limited to that.

With this knowledge in hand the department arbitrarily fixed the food killing for 1913 at 3,000 animals, 2,000 animals below the minimum need and 4,500 below the normal need. The loss resulting from this action can be computed at the rate of \$52 per skin, if the press dispatches are right, a minimum of \$104,000 and a maximum of \$234,000. In the meantime the Government is feeding these people



on canned and salted meats at greater expense and to the detriment of the health of the natives.

Eleventh, a secondary or contributing loss resulting from the land suspension: The Pribilof Islands is the home of a valuable herd of fur-bearing animals—the blue foxes. At the recent sale of furs in St. Louis the skins of these animals, according to the press dispatches also, brought as high as \$158 apiece, which is three times as much as the sealskins themselves brought. The catch for St. Paul Island for 1912 averaged \$95 each, and the total catch for the islands in that year brought in \$20,000 to the Treasury. During the period of the two leases the total blue-fox catch numbered 40,000 pelts, about 1,000 annually. The Government ignored the foxes in its leases and therefore derived no income from them, the whole income going to the companies.

The extent of the blue-fox industry depends solely upon the food supply. The islands would support an indefinite number of foxes if only there was food for them. The birds in summer afford a considerable supply of food, but in the winter the chief dependence of the foxes has been upon the refuse meat of the killing fields. The law cuts this off. The animals have cannibalistic tendencies. When food is scarce the old eat the young, the strong the weak; they are bound by island conditions; they can not go to other places for food. At \$95, and especially at \$158 per skin, the Government could afford to feed these foxes on beef. The plains of the islands in summer would fatten an indefinite number of cattle and sheep. Fox farming has become an important industry at points in Canada; and from our fox warrens in Alaska, not from the Pribilof Islands, come the pairs of foxes that stock these Canadian fox farms. The Government possesses the best natural plant in the world for developing a fox industry. The seal meat from its killing fields, properly cared for, under a system of cold storage or even by hanging it up carefully in screened buildings and properly distributed, would support five times the number of foxes that are present on the islands. But the law stops the killing of seals and leaves the foxes to starve. If the close season is carried through, the fox herd will be so depleted that it will require years of careful nursing to bring it back even to its present low and undeveloped state. It is hard, for me at least, to understand why this important industry should be sacrificed to bring about a wholly fictitious advantage to the fur-seal herd.

In this connection I wish to mention briefly the relation of this suspension of land sealing to the treaty of 1911. This treaty which suspends pelagic sealing for 15 years has in it a definite bargain that in lieu of the suspension of pelagic sealing the United States Government shall give to Great Britain and Japan 15 per cent each of its land killings. It seems to me that this obligates the United States to take a land killing and give 15 per cent of it to each of those nations. The law stops us from doing that.

Twelfth, the question of land killing of seals: This killing is confined to the superfluous males. That is definite. The fur seal is polygamous. The original law protected the females absolutely and forbade the killing of animals under 1 year. Departmental regulations have at times specifically protected other classes of animals—as the 4-year-olds, and animals under 2 years of age; but no one could determine definitely the ages of these animals. A judgment can be

formed from the size of the animals, but this is only conjecture. To carry out the law and to define the relations of the agents under it, regulations were fixed on the basis of weights of skins. Thus, to save the 4-year-olds a maximum of  $8\frac{1}{2}$  pounds was maintained at times. To protect the yearlings a minimum weight of 5 pounds has been in force. These standards weights were fixed Mr. Henry W. Elliott in 1872-1874. They will be found on page 192 of this last document that was published.

Mr. ELLIOTT. You can not find a 5-pound weight in any of my publications. That is a mistake.

Mr. CLARK. Four and one-half pounds is given as the average weight of a yearling sealskin.

The CHAIRMAN. Refer to that page.

Mr. ELLIOTT. There is no use misquoting me. You have my publication with you;  $5\frac{1}{2}$  pounds is my statement for a 2-year-old, and you know it.

Mr. CLARK. On page 192 it is stated that the skin of a yearling seal has a weight of " $4\frac{1}{2}$  pounds, a mean of six examples, males and females, alike in size, July 14, 1873";  $4\frac{1}{2}$  as an average must be a mean of skins weighing from 4 pounds to 5 pounds. I take it that is a reasonable interpretation.

The CHAIRMAN. That is your explanation of that?

Mr. CLARK. Yes; the law says that no skins shall be taken under 5 pounds, and that was a concession to the fact that a skin averaging  $4\frac{1}{2}$  pounds was the skin of a yearling.

The CHAIRMAN. Well, is that your judgment?

Mr. CLARK. That is my judgment; yes.

The CHAIRMAN.  $4\frac{1}{2}$  pounds.

Mr. CLARK. The actions of the lessees and agents have conformed to these standard weights. Since 1904 individual skin weights have been recorded for every skin taken. The list of weights from this date to 1911 are given at page 504 of Hearing No. 10. In the total of 93,323 skins there recorded 711 only have been under the weight of 5 pounds.

Now, I want to take up the killing of yearlings, and it may be conceded that some yearlings have been killed. I will concede that these 711 skins that have been mentioned are skins of animals which fell below the weight prescribed by the regulations.

Mr. STEPHENS. What do you mean by the word "some"? You stated that you would concede "some" yearlings have been killed?

Mr. CLARK. I said 711 definitely. I do not want to say that all of these 711 seals are yearlings, but certainly no other animals than those 711 can be charged to be yearlings.

There are two explanations for these yearlings, and the first is accidents. The native clubber must gauge the weight of the skin on the living animal, and then club it down. Of course, when he makes a mistake there is no way to recall it or remedy it. As a matter of fact, the clubber may strike down a small animal when he intended to strike down a large animal. At times a blow intended for an animal of proper age and size reaches a smaller animal for which it was not intended. The head of a seal may seem large enough to correspond to that of a 2 or 3 year old seal, while the body may not conform, but of course, if it has been struck down that is an end of the matter, and, of course, these mistakes of judgment can not be rectified. These are

accidents pure and simple, and no blame can reasonably be attached to anyone. The foreman of a range who in rounding up 93,000 steers of mixed ages and slaughtering them found himself with 711 2-year-old animals killed, if the meat had been cared for, would hardly be censured for the accidental killing of these animals. The percentage of accidents is small, and I think it is a standing vindication of the vigilance and care of the agents that no more have occurred.

Mr. WATKINS. What becomes of the bodies after the removal of the skins?

Mr. CLARK. The natives use as much of the meat as they can, and the rest of the carcasses is left on the ground and remains there until the foxes dig them out of the snow in winter and feed upon them.

Mr. STEPHENS. What number of seals were killed at the time these 711 were killed by accident?

Mr. CLARK. 93,323 for the period from 1904 to 1911.

Now, another explanation of the killing of these yearlings or small seals lies in the fact that there are food killings of the seals as well as commercial killings of seals. The commercial killings were under the control of the leasing company, but killings were made in the fall and early spring purely for meat. From the beginning the law made an exception in the case of food killings, and even pups were killed. Those killings were made under the direction of the agents solely, but the skins were accepted or rejected by the leasing company, as the case may have been, and those accepted eventually became a part of the leasing company's quota or catch. The natives greatly prefer the flesh of the younger animals. It is difficult to prevent them from killing them when food killings are made in the fall. No pups have been killed for many years, but the tradition of small, plump young animals in the food killing still clings in the Aleut's mind. I have witnessed the efforts of the agents to try to get the natives to club down lean seals with splendid skins on them in the food killings, but the natives made the most brilliant blunders imaginable to miss them, but if there was any opportunity to strike down a plump young seal they never missed it.

Mr. McGUIRE. You say that the natives prefer the pups for food purposes. Please state what you mean by the word "pups?"

Mr. CLARK. I mean those born in that particular year—milk-fed seals.

Mr. McGUIRE. Do you mean those that have never gone to sea?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. You distinguish the word "pup" there, as to age and size, from the word "pup" as it may be applied to the skin of a seal according to the classifications; that is, the skin of a small pup, extra small pup, etc.?

Mr. CLARK. The London classification of "large," "small," "middingling," "extra small," pups, etc., has nothing to do with the word "pups" in the connection we are speaking of here, because all of those animals had reached one year of age or above. Those are purely trade designations. After they got down to "small" pups, and finding still another size, they put in the classification the term "extra small" pups, and you will find in the 1910 London classification that they have added another classification called "extra extra small" pups, but that does not refer to this category of pups at all.

The pups we are talking about have passed a winter at sea and all of them have returned to the island in the second season.

Mr. STEPHENS. Commercial killing, as I understand it, is the killing of seals for their skins.

Mr. CLARK. Yes, sir. The commercial killing was done, of course, under the direction of the lessees, and was done with the definite intent of giving them the quota of skins that the law allowed. Those killings occur in June and July.

Mr. STEPHENS. To what size was that killing confined?

Mr. CLARK. According to some regulations, they were not to fall below the limit of 5 pounds and not to exceed the limit of  $8\frac{1}{2}$  pounds. Of course, that weight has varied sometimes. Sometimes 6 pounds was the minimum; sometimes it was  $5\frac{1}{2}$  pounds, and sometimes 5 pounds.

Mr. STEPHENS. But it was confined to sizes between those two extremes?

Mr. CLARK. Yes, sir.

The CHAIRMAN. In this connection, I want to ask you why it is that the "extra small" pup skin or the "small" pup skin brings less money in London than does the "large" pup skin?

Mr. CLARK. Naturally, as you go down to the bottom of this category, you are getting to smaller animals all the time.

The CHAIRMAN. Does not the price indicate that they are smaller animals, or the skins of smaller animals?

Mr. CLARK. The designation "extra small pups" indicates the same thing.

The CHAIRMAN. Do the designations "small pups" and "extra small pups" indicate the same thing?

Mr. CLARK. Yes, sir; and the designation "extra extra small pups," also.

The CHAIRMAN. What I meant to ask you is this: Is there any difference in the prices of skins mentioned as "large pups," "middling pups," "small pups," "extra small pups," and "extra extra small pups?"

Mr. CLARK. Naturally there would be, because there would be a smaller skin on the smaller animal.

The CHAIRMAN. Would you say that that classification does not mean anything? Why do they call them that?

Mr. CLARK. I do not question that.

The CHAIRMAN. You said that it did not mean anything.

Mr. CLARK. No, sir; I meant that it does not mean pups. I am talking of pups here that are born on the island; they are pups until they leave, and when they come back the next year they are yearlings.

The CHAIRMAN. Those trade-marks you spoke of must indicate the sizes of the skins more or less; is that true?

Mr. CLARK. Naturally they do; yes, sir.

The CHAIRMAN. Because they bring less money. If the sale of 1910, for instance, had been such as you have described, if I do not misunderstand you, we should have had more money for the skins if the skins were all alike. Some brought, as I understand it, \$28.50—that is, the skins of small pups—while the skins of large pups brought as much as \$54 in London. Those are matters of public record.

Mr. CLARK. I wanted to discuss that question at some length with you yesterday, but I was prevented from doing so at the time by the cross-examination. I want to take up the discussion of it and go into it thoroughly.

The CHAIRMAN. When you make a statement of that kind, I want to call your attention to it. I do not want to cross-examine you.

Mr. CLARK. Of course, there have always been different grades of skins, and the different grades and sizes are not peculiar to the catch of 1910. You will find in the London classification which was supplied to the Paris Tribunal of Arbitration those categories all listed showing the catch of the Alaska Commercial Co. There have always been skins of varying sizes. That is why the weights were put there—that is, the weights limiting the catch to 5 pounds minimum and  $8\frac{1}{2}$  pounds maximum. Therefore, the skins ranged in size between those two figures.

The CHAIRMAN. If the skins were those of large pups, then the Government in its last three years received about \$250,000 or \$300,000 less than it should have received.

Mr. CLARK. In the same way the company received less for the small skins than they did for the large skins.

The CHAIRMAN. Then the small skins were taken from “small” pups?

Mr. CLARK. Yes, sir. The “small” pup, according to the London catalogue, is a 2-year-old. The “small” pup of the London catalogue is a 2-year-old seal, and the “extra small pup” is a yearling.

The CHAIRMAN. In the London catalogue?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Then, if the London catalogue shows that there were more extra small pups than you have stated—you stated that 711 were killed—you are mistaken, are you not?

Mr. CLARK. Yes, sir; if the interpretation is properly made. I want to discuss this matter fully later on, because it is hard to bring it to a focus here.

Mr. WATKINS. I want to ask you this, whether it is a fact that all the sales that are made of these sealskins, and referred to as sales made under London classifications, are made in London—that is, whether all the sales that are made anywhere go through that market?

Mr. CLARK. I believe they have in the past.

Mr. WATKINS. That is the first proposition, and the next is whether the sealskins which they buy there and sell there necessarily come from the territory which we are discussing now?

Mr. CLARK. Not necessarily. There are skins which come from the Uruguayan Government's seal islands at the mouth of the River Plata, and there are skins from Cape Horn.

Mr. WATKINS. Then, what designation is there, if any, by which you determine from the catalogue where the seals came from?

Mr. CLARK. There is nothing that I know of. There are also sealskins taken from the Commander Islands which belong to Russia. The London catalogue may distinguish them or may not. I do not see how they could. Does that cover your question?

Mr. WATKINS. That answers the question, but I do not know about the accuracy of it, because there is a diversity of opinion about that.

Mr. CLARK. That is a matter of record, however. There always has been a seal catch off Cape Horn and a small catch upon the Uru-

guayan preserves. There is also a catch of fur seals on the Commander Islands, which belong to Russia. They are all marketed in very much the same way as ours. That was the basis of my reply, of course.

Now, therefore, discussing the effect of the killing of yearlings: There would have been nothing deadly about the killing of these animals if it had taken place. It makes no difference whether the superfluous male is killed at the age of 3 or of 2 or of 1 or of 4 years, so far as the breeding life of the herd is concerned. There are two legitimate grounds of criticism of the killing of yearlings and 2-year-olds, if it should occur. I mean that if the killing of yearlings should occur, there are legitimate grounds of complaint against it. In the first place, it is economically wasteful to kill an animal below the age at which it gives the best skin, namely, 3 years. In the second place, in the past those mistaken killings of yearling seals and the killing of 2-year-olds have obscured a scientific fact of which the commission in 1896 and 1897 was very anxious to have a solution of, namely, the actual increment of annual gain in the breeding stock of the herd. That was quite a vital question—how fast does the herd increase in its normal state. If the killing had been limited to 3-year-olds or 2-year-olds, that is to say, to animals of one age, then the quota of skins taken by the leasing company would have been the exact measure of the number of 3-year-old cows which came to the breeding grounds each year to deliver their first pups. That is to say, the sexes are born in equal numbers; they suffer like vicissitudes when out at sea in the first two migrations, and the number of females that would return would be equal to the number of males that would return during each of the three years. Now, if the killings were limited to 3-year-old seals, the number taken would be a definite measure of the increase of the herd. That was formerly an important question, and that is one reason why I criticized the killing of 1909. From the point of view of an investigator, it obscured the question of the natural increase of the herd. That is no longer important now, because I counted every pup that was born in 1912; counted them again in 1913, and the difference between those two counts is a better measure of the increment of gain than would have been obtained by the other method. Therefore, my opinion now is that it would be economically satisfactory to take not only the 3-year-olds but the 2-year-olds, because the trade can use 2-year-old skins for demands for which a 3-year-old skin would be too large.

The CHAIRMAN. In a former hearing before this committee, Mr. Lembkey was questioned about the catch in 1910, and I call your attention to his statement on page 904 of Hearing No. 14. This is what Mr. Lembkey said at page 904 about the catch of 1910:

A summary of the classification of the 12,920 salted fur-seal skins of the catch of 1910, sold by Lampson & Co., is as follows: Smalls, 132; large pups, 995; middling pups, 4,011; small pups, 6,205; extra small pups, 1,528; extra small pups, 11; faulty, 38.

Now, according to this statement 1,528 yearlings must have been killed in 1910.

Mr. CLARK. I would ask you to call upon Mr. Lembkey to explain that, because I know nothing about that.

The CHAIRMAN. If extra small pups are yearlings, then, according to this statement, 1,528 yearlings were killed.



Mr. CLARK. I have stated of that year——

The CHAIRMAN (interposing). Is it not a fact that you stated that extra small pups were yearling seals?

Mr. CLARK. I would like to state the rest of it. They exceed the average of extra small pups; they exceed the average established by Mr. Elliott for a yearling seal, because the London classification says that an extra small pup's skin is 4 pounds and 15 ounces, and Mr. Elliott's classification says a yearling seal's skin is  $4\frac{1}{2}$  pounds.

Mr. WATKINS. That would be 5 pounds, would it not?

Mr. CLARK. The London classification, as I have stated, comes under 5 pounds. I would not want to question that, because it is pretty close to 5 pounds, and, as we know, the salted weights are lower. Salting decreases the weight of the skin, and we know that the London classification of 4 pounds and 15 ounces ought to have an addition made to it to get back to the weight of the green skins.

Mr. WATKINS. I understood you to say 4 pounds and 16 ounces.

Mr. CLARK. I said 4 pounds and 15 ounces, which is below 5 pounds. As we now know, salting decreases the weight. It was 6.4 ounces a skin on 205 skins experimented with and therefore, we would have to add something to that 4 pounds and 15 ounces, and that would bring the extra small pups up into the category of 2-year-olds.

The CHAIRMAN. We do not want to get away from the question I put to you regarding the killing of yearlings. You stated that only 711 yearling seals were taken between 1904 and 1911, did you not?

Mr. CLARK. Won't you allow me to make a complete statement about it?

The CHAIRMAN. Didn't you make that statement?

Mr. CLARK. I would like to see the statement, or have it read, to see whether I actually stated it or not.

The CHAIRMAN. I will leave it to the committee.

Mr. CLARK. The point I want to get at is this——

The CHAIRMAN (interposing). I want a direct answer first to my question: Did you say a while ago that not more than 711 yearling seals were taken since 1904 out of a total of 93,323?

Mr. CLARK. If I stated that, I meant to state that there were 711 skins in those 93,323 skins that were below the standard which was developed and fixed as the boundary line between yearlings and 2-year-old seals.

The CHAIRMAN. Do you mean to inform the committee that not more than 711 seals of that class were taken out of that total of 93,323?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Then you stated further that "extra small" pups were yearling seals. You did say that.

Mr. CLARK. Under the London classification, if you take them below 5 pounds; yes, sir.

The CHAIRMAN. If Mr. Lembkey stated that 1,528 extra small pups were taken in the catch of 1910, then you must be mistaken?

Mr. CLARK. But I do not know anything about this category that you are putting up to me.

The CHAIRMAN. If Mr. Lembkey swore that 1,528 extra small pups were taken in the catch of 1910, do you mean to say that he did not tell the truth?

Mr. CLARK. Can not that be ascertained from Mr. Lembkey?



The CHAIRMAN. If Mr. Lembkey told the truth, you are mistaken, are you not?

Mr. CLARK. I can not see it, quite.

The CHAIRMAN. Is that all you want to say about that?

Mr. PATTON. Your estimate was made on skins weighed on the island, was it not?

Mr. CLARK. Yes, sir.

Mr. PATTON. And the estimate Mr. Lembkey gave was from the weights or measurements of skins, or the record of them, given in London?

Mr. CLARK. Yes, sir.

Mr. PATTON. And there is a difference between the weight of the green skins and the weight of a salted skin. The weight of the salted skin would be less than the weight on the island, would it not?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. This witness seems to have a prepared statement, and I would like to inquire how would this arrangement do—that whenever a member of the committee desires to ask the witness any question, to make a note of it, and make it a rule not to break the continuity of the witness's statement any more than possible. Of course, we are discussing matters that are matters in controversy, but it occurs to me that it would be better to allow him to make a connected statement, and then after he has completed his statement, we can take exception to such portions of it as we like, or question him with a view to obtaining further information on the subject. I merely make that as a suggestion. I think the record would be better if that rule were observed.

The CHAIRMAN. I think it would be better to conduct the hearing as we have been doing. Of course, if the committee wants to test the other method, they can do so.

I am not quite through with this particular point here: On page 905 of these hearings, No. 14, Mr. Lembkey stated that of the 1910 catch 7,733 out of 12,920 skins were the skins of small pups and extra small pups.

Mr. CLARK. This was made before we determined that salted skins depreciated in weight, so Mr. Lembkey might change his statement now.

The CHAIRMAN. Is this a correct statement by Mr. Lembkey, which was made under oath?

Mr. CLARK. How can I tell?

The CHAIRMAN. Do you still mean to say that only 711 small pups or extra small pups, or yearlings, were taken out of that total of 93,323 seals since 1904?

Mr. CLARK. I say that 711 animals, which under the regulation weights may be assumed to be yearlings, were killed in that manner.

The CHAIRMAN. Then you do not want to say that 1,528 extra small pups were taken in the catch of 1910 out of a total of 12,920 seals?

Mr. CLARK. You are bringing up a situation with which I am not at all familiar. I have not tested these figures as given here.

The CHAIRMAN. You stated a moment ago under oath that the agents of the Government performed their duties faithfully. Now, when Mr. Lembkey comes before this committee and under oath tells us that 1,528 extra small pups were taken in the catch of 1910,

and you call extra small pups yearlings, you do not want to say that that statement was not correct?

Mr. CLARK. I have asked on three or four occasions for the privilege of presenting this matter in such a way that I can protect my statements. You ask me questions which take up the matter by piecemeal——

The CHAIRMAN (interposing). Pardon me, but it is not my purpose to bring it up by piecemeal. You brought this particular piece into the hearing by stating that so many extra small pups had been taken since 1904, and I want to bring out your reasons for making that statement.

Mr. CLARK. I can take that up. I was prevented from taking it up at the time we started that discussion yesterday.

The CHAIRMAN. Nobody prevented you from doing so, and nobody will prevent you from doing so, but we want you to tell the truth to the committee..

Mr. CLARK. I am trying to tell the truth, and if I am guarded in my statements it is because I want to tell the truth and nothing but the truth.

The CHAIRMAN. Well, we will let it pass at that.

Mr. CLARK. Now, fourteenth, as to the alleged killing of females: The odium supposed to lie in the killing of yearlings has rested in the claim that the yearlings mingled male and female on the hauling grounds. This is not the fact. The yearlings, as a class, do not come to the hauling grounds. A few of the older animals, that is to say, the earlier born animals, approximating two years old in development, appear on the hauling grounds late in the killing season. These have on numerous tests been found to be males. The number is not great. A careful scrutiny of from 1,200 to 1,500 bachelors from Reef hauling ground in 1913, handled with this end in view, disclosed that perhaps one in fifteen, or, perhaps, only one in twenty, were yearlings. These few animals were males, and it would not be possible in any event for the yearling females to exist on the hauling grounds. That is true, because the older bachelors would worry them to death. The bachelor seal has full sexual development, and to have female yearlings mixing in there would mean constant worryment to them, and they do not go there. The same thing is true of the two-year-old cows. Both classes of young females find their place and companionships among the pups and older females.

The CHAIRMAN. Let me ask you right there: Can a man easily distinguish a male from a female when they are 1-year old?

Mr. CLARK. You can find out very readily by snaring them and turning them over on their backs and examining them.

The CHAIRMAN. But you can not do it by looking at them on the ground?

Mr. CLARK. No, sir; and we did not depend on that.

The CHAIRMAN. Is there any difference in size?

Mr. CLARK. No, sir; not that I know of. We snared them with ropes and drew them out to examine them, and did not depend on any judgment as to sizes.

Mr. WATKINS. What do you mean by bachelors?

Mr. CLARKE. A young male seal under 4 years old. Anything considered killable would be a bachelor seal, and the quota would be made up from the bachelors. We refer to bachelor seals as distin-

guished from virgin females. The yearlings as a class come to the islands in numbers only when the pups have reached an age when they spend most of their time in the water. The branding of pups in the fall of 1912 settled this question of the movements of the yearlings. I want to emphasize the point that our knowledge on this subject has been one of constant growth, and it was not until 1912 that these facts affecting our judgment concerning yearlings were finally established. Consequently, when I call attention to what I stated in 1896 and 1909 it must be taken with this understanding, that our knowledge has been growing all along, and I know more about the subject now than I did then. If I made mistakes before, I want to correct them now, because added light brings an added willingness to remedy any defects which may be brought to light. As I said, the branding of pups in the fall of 1912 settled this question of the movements of the yearlings. Six thousand of these animals were marked with hot irons, chiefly from Reef Rookery. Only one of these branded animals was seen on the hauling grounds of Reef Rookery, and three all told, in the killing season of 1913, and that hauling ground was studied carefully to find out whether they were there or not. We had them divided into pods and turned them off one by one, so that we could make an exact enumeration of every single pod.

The CHAIRMAN. Did you try to separate them in groups of two or three?

Mr. CLARK. No, sir; we would take a bunch of 15 or 20 seals and watch them very closely to see all the different kinds of seals among them. We did not look at them in a mass.

Mr. STEPHENS. At what ages did you brand them?

Mr. CLARK. They were pups 2 to 3 months old.

Mr. STEPHENS. Of what sex?

Mr. CLARK. Of both sexes. As I said, we did not find them. Their absence prior to August 8 showed clearly enough that few of the yearlings reach the hauling ground. The estimate of one in fifteen would mean that about 1,000 yearlings for all the hauling grounds of the Pribilof Islands in 1913, the last week in July, which is a mere fraction out of the nearly 40,000 yearlings all told which must have belonged to the herd in that season. That is the number of yearlings that might be expected to appear on the hauling grounds and that would be involved in any killing that might be undertaken. The greatest number of yearlings alleged to have been killed in 128,000, only half of which are claimed to be females, or 64,000.

The CHAIRMAN. During what period?

Mr. CLARK. The period from 1904, I suppose, down to 1911, or maybe from 1896 to 1911.

The CHAIRMAN. I think that is from 1890 to 1909.

Mr. CLARK. Well, whatever it is.

Mr. STEPHENS. What is the number?

Mr. CLARK. It is stated in the hearings. The number is stated in the hearings as 128,000, and it is otherwise stated as 120,000.

Mr. ELLIOTT. That is my statement.

The CHAIRMAN. Since 1896?

Mr. ELLIOTT. It was 128,000 since 1890.

Mr. CLARK. I criticized the killing of 1909 because it left practically no small animals. The percentage of animals killed, when

the branded reserve was eliminated, rose to 90. Having in mind the conditions of 1896 and 1897, when the younger animals were turned back by the thousands in the later drives, and when the total killed was 18,000 and the total number of small seals rejected was 23,000, the close killing of 1909 alarmed me. Eighteen thousand was the total of animals killed under our observation in 1897, and we turned back by actual count 23,000 young seals or small seal. Having in mind, as I said, those conditions, the killing in 1909 alarmed me. We had supposed in 1896 and 1897 that the bulk of the animals turned back as small seals were yearlings, or small 2-year-olds. If this had been the case, then the killing of 1909 must have included yearlings. It seemed to me in 1909 that either yearlings were killed or else that they did not come to the hauling grounds. The fact is that as a class they were not present in 1909, nor were they present in 1896 and 1897 as a class. It was the 2-year-old animals that were so conspicuously turned back in 1896-97, and it was the 2-year-old animals that made up the bulk of the catch in 1909. The yearlings were at sea or on the rookery fronts, and did not come in until later in the fall. As no considerable body of yearlings have ever been present on the hauling grounds, and the few actually there being males, the injury alleged to have been done by the killing of female yearlings has not occurred.

Now, fifteenth, I wish to discuss the effect of pelagic sealing: The killing of yearlings of which so much has been said included not more than 128,000 of these animals. At most only one-half of these could have been yearling females, or 64,000. Against this 64,000 I wish to cite the results of pelagic sealing as stated by Mr. Alfred Fraser in hearing No. 1 of this committee, page 32. On that page Mr. Fraser shows that the pelagic catch from the Pribilof herd for the period 1872-1910 numbered 1,095,000 skins. In the Sims report for 1906, page 35, a total of 877,000 skins is given for the period from 1868 to 1906. In the report of the Foreign Relations Committee, No. 295, page 7, another summary gives 962,000 for the period from 1870 to 1911. I do not pretend to say which of these estimates is right, but they are in practical agreement that practically 1,000,000 seals were lost to the Pribilof Island herd during the period of pelagic sealing.

The CHAIRMAN. I think there is a table in hearing No. 1 showing the number of seals lost by pelagic sealing.

Mr. CLARK. I want to call attention to the fact that these other authorities give a number slightly less than Mr. Fraser. It may be that Mr. Fraser included the Commander Island seals, but he is in substantial agreement with the others that the loss to the Pribilof herd was about 1,000,000 seals.

Mr. STEPHENS. What do you attribute that to?

Mr. CLARK. I think I can develop that right now, if you will permit me. I want to call attention to the fact that that was the minimum loss because many animals were shot by the pelagic sealers that were not recovered. Pelagic sealing was indiscriminate. Mr. A. B. Alexander found a percentage of 63 females in the pelagic catch in 1895, and Mr. A. Halkett, a Canadian, found a percentage of 84 in the catch of 1896.

Mr. McGUIRE. That was one year later?

Mr. CLARK. Yes, sir, and those figures were agreed to by the joint conference in 1897.

The CHAIRMAN. There is no doubt in my mind but that the table by Mr. Fraser is correct.

Mr. CLARK. I want to refer you to page 243 of volume 1 of the Report of the Fur Seal Investigation of 1896-97. This statement is made:

In 1895 Mr. A. B. Alexander, on behalf of the Government of the United States, found 63.3 per cent of females in the catch of the *Dora Siewerd* in Bering Sea. Late in 1896 Mr. Andrew Halkett, on behalf of the Canadian Government, found 84.2 per cent in the catch of the same schooner in the same sea.

These figures were accepted as correct by the experts.

Mr. WATKINS. Was that because of the fact that we were preserving an excess or a larger number of females on the island, and, therefore, that there would be a larger number of females in proportion to the males when they were out at sea?

Mr. CLARK. There should be a greater number of females. The greatest number of males needed to impregnate the herd would be very small, or one in about 29. There would necessarily be an excess of females.

Now, we did not take this on faith, but in 1896 we sent Mr. Lucas, a member of the commission, on a revenue cutter out to sea. He gathered up the bodies of the animals taken by the pelagic sealers and had them brought on board the ship, where he made an examination of them. I want to refer to some of his notes at page 406 of volume 2 of the Report of the Commission for 1896-97. Out of 48 bodies brought on the deck of the revenue cutter, 2 were bodies of young males, and "the remaining 46 were females over 2 years old, some being very old. The 46 females were carefully examined by Mr. Townsend and myself with the following results: 43 were breeding females with nursing young," and "42 of the females, including 3 two-year-olds, had been recently impregnated," showing that the mother seal was not merely nursing her young but was pregnant when taken in Bering Sea. That meant that the dependent offspring starved to death and that an unborn life died with the mother in her death. I would like to cite you to page 460 of this same report. It is not necessary to read it.

Mr. Macoun and I were especially assigned to this part of the work and required to remain on the islands until the 21st of October, after the completion of the pelagic sealing, to study the question of the starvation of the pups. As a result of our investigation and count we agreed that 16,000 pups had died of starvation in 1896 as the result of the killing of their mothers at sea. I simply want to emphasize these facts, because the relation of pelagic sealing to the decline of the herd has been obscured and not given its full value.

When I set up against this 750,000 females taken in pelagic sealing, because we have a right to say that three-fourths of these 1,000,000 seals were females, the 128,000 yearlings alleged to have been killed on land, 64,000 of which are claimed to be females, we have a relation that is absurd. The fact that the herd has made an immediate gain of 12.5 per cent in its stock of breeding females in the second season of exemption from pelagic sealing proves pelagic sealing to have been the cause of the herd's decline, and that the removal of pelagic sealing has in like manner been an adequate remedy for this decline.

The CHAIRMAN. I wish it had been stopped long ago.

Mr. CLARK. We have fought for it since 1896.

The CHAIRMAN. An attempt was made to bring about a treaty at the time when Mr. Hay was the Secretary of State, but somehow it was sidetracked, and nothing was done at all until Secretary Knox and Secretary Nagel took it up with the other Governments. I can see no reason why it should not have been done long ago.

Mr. CLARK. I am sure that in 1896-97 that was one of the things we demonstrated. We demonstrated, first, that land killing was not responsible for the destruction of the herd, and, second, that the indiscriminate killing of females involved in pelagic sealing was responsible for it.

(Thereupon, at 12 o'clock noon, the committee agreed unanimously to a recess until 2 o'clock p. m.)

#### AFTER RECESS.

The committee met, pursuant to recess, at 2 o'clock p. m.

The CHAIRMAN. Mr. Clark, you may proceed with your statement.

Mr. CLARK. I was discussing topic 18, some criticisms of the Government's policy in handling fur-seal matters. At critical times the herd has been subjected to investigation and then allowed to lapse into obscurity again, to be reinvestigated at some new time of crisis. Thus the condition of the herd was looked into by Mr. Elliott in 1872-1874, and then it was neglected until 1890, a period of 16 years in which the herd had suffered a loss of about four-fifths of its breeding stock without a word of warning from land till 1889. Then followed the feverish and expensive activity of the Paris Tribunal of Arbitration, which cost \$1,000,000 in expense and damages and gave us a worthless set of regulations. That is, a set of regulations which prohibited sealing for three months in the summer and established a protected zone of 60 miles radius around the British islands.

The CHAIRMAN. When was this?

Mr. CLARK. In 1893. These regulations were the direct result of our lack of adequate knowledge of the life habits of the seals.

It was not possible for our people to establish the fact that the mother seal carries her young practically 12 months and that she did not feed within 60 miles of the islands. Therefore it made no difference that she was protected from slaughter for three months while she was reaching the islands when she was liable to slaughter in the two months immediately following her going to sea to feed, and as she does not feed within 60 miles of the islands a 60-mile protected zone did not protect her.

In 1896-97 the herd was again investigated and the futility of the Paris Tribunal regulations disclosed, the cause of the herd's decline ascertained, and the remedy suggested. That was the object of the commission of 1896-97, a joint British and American commission, a determination of the effect of the Paris Tribunal regulations. In the first year of their establishment the largest catch of the pelagic sealing industry was taken. Therefore it was suspected that something was wrong, and this commission was to find out what the trouble was. It determined that pelagic sealing was the sole cause of the herd's decline, and it also determined that it was useless to revise or remodel the regulations; that the only thing that would protect the herd was the abolition of pelagic sealing.



The CHAIRMAN. That was in 1896-97?

Mr. CLARK. It was in 1896-97 that that was determined, and I want to refer you to page 243 of the first volume of the report of the commission of that year to find this joint British and American agreement.

The CHAIRMAN. Then with all of these recommendations coming from the commission it was allowed to go on for about 14 years more without enacting a treaty?

Mr. CLARK. That is what I want to call attention to here. It took 12 years and cost the herd 200,000 breeding females and the Government approximately \$4,500,000 worth of sealskins. That is what the pelagic sealers got for them.

The CHAIRMAN. How much damage did it do by reason of destroying the equilibrium of the herd, if I may put it in that way?

Mr. CLARK. This loss was of breeding stock, of breeding females with their young. Each of these animals brought \$15 in London as a sealskin, but the animals were worth five times that much as breeders, because each breeding female would produce that many pups.

The American commission of 1896-97 made one strong recommendation—that a superintendent naturalist be put in charge of the herd to make its problems his life study. The recommendation was ignored until 1909, when provision was made for a naturalist. Accidents prevented filling this place permanently until last summer, when Mr. F. M. Chamberlain was sent up with me, it being the expectation that he would continue the future study and care of the herd. But the press dispatches recently announced, and I find it confirmed in the most recent publication of this committee, that for economy's sake and because of wrong mental attitude the office of naturalist has been abolished by the Department of Commerce and with it the chief of the Alaskan Fisheries Division. That is equivalent to knocking the brains out of the personnel of the fur-seal service. I do not know what the salaries are, but I suppose the salaries of these two men can not exceed \$10,000. Two hundred of the sealskins allowed to go to waste last summer would have supplied this item of cost, and the minimum of 5,000 skins, which is a reasonable interpretation of a food killing, would have yielded sufficient funds to meet the expense of the entire Alaskan division, including the fur-seal islands. After all the loss and waste that has been endured in the past through lack of trustworthy knowledge we are now to go back to the old policy of letting the herd care for itself and turning its interests over to new and untried men. The Sixty-second Congress, in connection with one of the appropriation bills, had already discharged the full force of experienced and trained agents, and the islands are now in the hands of inexperienced caretakers and not in the hands of trained men.

Nineteenth important work that should be done: In order that the progress of the herd toward rehabilitation may be noted and measured, it is important that certain work of investigation begun in 1912 be carried forward.

The breeding families on all the rookeries have in the season of 1912 and 1913 been accurately counted and plotted on the Coast and Geodetic Survey map of 1897. I would like to pass this atlas around



to show the way in which a foundation has been laid for the future measurement and investigation of the fur-seal herd. This atlas, together with the photographs it contains and which are a part of my 1912 report, a second one being provided in connection with my 1913 report, locates each breeding family with reference to the marked rocks of the 1897 Coast and Geodetic Survey. It can be continued by future observers, tracing the growth of the herd. This work can all be done easily now because the herd is very small, but it will immediately begin to expand and preparation must be made for the future. In order that these methods of estimating the future of the herd may be feasible, observation lanes and towers and photographic stations must be established on the rookeries, places to which the observer can get without endangering his life and without disturbing the herds too much.

The pups on all the rookeries have been counted in the two past seasons. They should be recounted in 1914, as I have already pointed out, because the increase of the herd next season should be normal; that is, the increment of gain should be normal, because it comes from a birth rate which was unaffected by pelagic sealing. The birth rate of 1911, which gave us the increment of 1913, was affected by pelagic sealing.

The breeding grounds are full of cracks and chasms through which pups and cows drop and become imprisoned. They should be filled up and made safe. There are areas back of the rookeries which are crumbling cliffs and produce landslides and endanger cows and pups. Mr. Marsh and I found one of these landslides with 7 pups projecting out from it dead. We did not dig it out to find out how many more were under it. But it fell on a harem and covered those pups, and there is a mile or more of that sort of cliff which needs to be looked after every summer.

There are certain sandy areas which in the past have been infected with the dangerous hookworm pest. This hookworm lodges in the filth that accumulates in the sand. The eggs are probably carried over there and taken up on the fur of the mother and are nursed in by the pup, or they may be absorbed through the pores of the body. They develop in the small intestine and cause the pup to die of anemia or to be so weak that it is stepped upon and crushed by the first bull that makes a dash over it. The areas are now practically immune from this worm, because they have not been used or occupied for several seasons by the diminishing herd; but in the season of 1913 the herd pushed back to a large extent upon these areas, and in due time will reenter them, and they will thus again become a menace to the herd. At this time it ought to be the duty of the department to see that these areas are paved or set in with rock and fixed in such way that with a pump and a hose a gang of natives can go and clean off the infection and dirt and render them safe. This hookworm is not a myth. It killed thousands of pups in 1896-97 to our knowledge, and in the past history of the herd it killed hundreds of thousands.

The present suspension of land killing is a clumsy and wasteful way of accomplishing a certain end which is commendable; that is, the establishment of a breeding reserve of males that shall not be lacking in efficiency. This is a very important problem, and should be handled in a sane way. To overstock the herd at one time, and then, perhaps, to let it go indefinitely without attention is not the proper

way to deal with it. A definite plan of maintaining an annual increment of breeding males, which, as I have already shown, should be about one-half of the active breeding stock of the preceding year, should be wrought out and put in operation with a scheme for permanently marking the animals by branding them. This work alone deserves the attention of the naturalist or some one who is making the needs of the herd his chief work. A new man can not be expected to carry it out successfully.

Roads and trails are needed on the islands to make the various rookeries and hauling grounds accessible. The seals are now made to carry their skins to the salt house and their meat to the villages, whereas they should be killed nearer to their hauling grounds and the skins and meat brought in by mule team or by reindeer, as the reindeer is now established on the islands.

To make the new killing grounds safe, there should be developed a water system. At the present time drives must be made to the vicinity of lakes or ponds, into which the animals can be turned to cool off when heated by driving or by changes in the weather. A system of water tanks should be available in connection with the drives and the killing fields, so that a drive of seals can be wetted down when they are overheated or the weather turns hot. With water thus available, killing fields could be established wherever needed. The new killing fields are needed in connection with the feeding of the foxes. They would effect a natural distribution of the surplus meat. Fox colonies exist in conjunction with all the rookeries, but the greater part of the killing is brought to the vicinity of the villages, concentrating the meat at points often not accessible to the foxes.

The fox herds need development. There should be five times as many foxes on the islands. Foxes should be brought under control for breeding purposes. New breeders should be introduced from other islands to add new blood to the stock; that is, from St. George to St. Paul, from St. Paul to St. George, from the Commander Islands to the Pribilof Islands, and vice versa. Experiments in the rearing of small animals and birds suitable for fox food should be tried out on a workable scale. Hardy cattle, such as those on Kodiak, should be tried out on the islands. Certainly animals should be brought in in the spring to be fattened and killed in the fall for fox food. Reindeer are well established on both islands. The herds need intelligent care, and they should be developed both in the direction of the needs of the natives for food and for possible food for the foxes.

These are merely outline suggestions of things which intelligent oversight and care would make the duty of a properly organized and directed island force. The Government has on St. Paul and St. George a tremendously valuable fur-producing plant and stock. It needs an intelligent and experienced force for its maintenance, and this force should be augmented and strengthened, not reduced, at this critical time. When the law of 1912 has run its course, the problem of handling the greatly enhanced product in 1918 will be a difficult one. It will not do in the meantime to have let the native force of sealers run wild and to lose its skill and discipline. They should be held under control and in a state of the highest efficiency. Food killings of 3,000 skins are a poor substitute, and preparation for capacity to handle an annual quota of 25,000 skins, which the resumption of

regular sealing in 1918 will require. Not merely must the natives be held in discipline and control, but the men who direct them must have experience and know what they are about if they are to handle the problem properly from their side.

I say to your committee, then, in conclusion, let us give to the fur-seal herd and to the other resources of the Pribiloff Islands something of that intelligent care and oversight which the owner of a stock farm would devote to his interests. The problems and needs are the same in one case as in the other.

I offer this statement to you on the basis of long study of this fur-seal problem as an expert, not interested in establishing this or that theory about the seals, but looking at them from the point of view of a man who, for example, might be considering his own stock farm. I do not speak as an eminent scientist, nor as a scientific man. I am speaking because as a boy I was brought up on a farm, and know all about the breeding of domestic animals, and particularly the breeding of sheep. It was my knowledge of the breeding of sheep that enabled me to understand the fur-seal problem.

This is my formal statement. I wish now to take up certain matters less formally that grow out of the publications of the committee. First, I want to discuss a little more fully the matter of the killing of yearlings, because that is really the crucial thing before the committee.

Mr. McGUIRE. Mr. Chairman, I have some questions I want to ask, and I believe if the witness is through with his formal statement I might just as well commence now, unless the chairman or Mr. Patton has some questions.

The CHAIRMAN. I have some questions to ask, but I prefer that you should go ahead now.

Mr. McGUIRE. When did you last make a count of the herd?

Mr. CLARK. I made it in the past summer, 1913.

Mr. McGUIRE. How many seals did you find there were on the islands in 1913?

Mr. CLARK. I estimated the herd at 268,000.

Mr. McGUIRE. What process did you use for that estimate?

Mr. CLARK. In the height of the breeding season when the harems are all established—that is, between the 12th and 18th or 20th of July—I counted all of the bulls in charge of harems, 1,403 of them; those we call the active bulls. At the same time, I counted all of the bulls of adult size that were not in charge of harems, animals that we call idle bulls, 105 in all. In addition, I counted all the animals of full breeding size connected with the rookeries, but without harems. They are the young bulls and numbered 259. These animals are large, 500-pound animals, and therefore they are very conspicuous. It is as easy to count them as it would be to count the lamp-posts on a city block.

Then in going over the rookeries to get this count of bulls I estimated the animals on the hauling grounds, the bachelors, and found 12,000 animals as the total of any one day's inspection. But of course they come and go so that that was merely an estimate and did not give the full number.

Then after the breeding season was over and before the pups had begun to take to the water, we went on the rookeries, drove off the adult males and the adult females and we counted the live pups one by one.

Mr. McGUIRE. Those were the pups born in 1913?

Mr. CLARK. In 1913, yes.

Mr. McGUIRE. And they had never been to sea?

Mr. CLARK. They had never been to sea. The fur-seal pup is, of course, timid of the water for the first six weeks of its life and does not go into the water. We counted them before they could swim and therefore they did not get away from us into the water.

Mr. McGUIRE. How many of those pups did you count in 1913?

Mr. CLARK. We counted 92,269 of them. May I pass these photographs around?

Mr. McGUIRE. We have seen those photographs, have we not?

Mr. CLARK. Not these. As you are speaking of pup counting, I wish to pass some along. They are three photographs designed to show the process of pup counting.

Mr. McGUIRE. Has there been any contention as to whether you can get an accurate count of the pups, that you know of?

Mr. CLARK. I think so. In this hearing before the committee Mr. Elliott takes occasion to doubt the success of the count at page 26.

Mr. ELLIOTT. I quote the official records of your own assistants who doubted it.

Mr. McGUIRE. Now explain fully just how you counted the pups, and whether you can make an accurate count of pups, and any statement you may desire to make with respect to any contention there may have been either with Mr. Elliott or with anybody else.

Mr. ELLIOTT. None by me, Mr. McGuire.

Mr. McGUIRE. I say with you or anybody else.

Mr. CLARK. The fur seals lie along about 8 miles of shore of the two islands. They are broken up into sections, about 14 breeding areas that we designate by special names. They have names like Zapadni, Polovina, Northeast Point, Reef and North Rookery, and so on. These are separate and distinct, sometimes separated by miles of coast line, so there is no interchange of the animals. The method of procedure was to go upon one of these rookeries with a guard of natives who would drive off the adult animals, leaving only the pups for us to handle; one of us would go between the animals and the sea and another on the land side. When we got the pups to running back from main body, in a narrow band, we closed in on them, taking 25 or 50 or 100 of the pups. We would make that band of pups run down the beach a couple of hundred feet, and as the pups were older some than others they had different capacities of strength and speed. They lined out according to their strength, and when they were in that lined out condition we counted them 2 by 2, 4, 6, 8, 10, 12, etc., as they passed some convenient rock. If they got to running too fast, we would step in and cut them off until we got the count straight and then start them up again.

Mr. McGUIRE. Just as you would count cattle running through a narrow passage?

Mr. CLARK. Yes, sir; or just as you would count sheep.

Mr. McGUIRE. Could you count them as accurately as you could cattle or sheep?

Mr. CLARK. Just as accurately. I want to call attention to my reports for 1912 and 1913, where I have given this in great detail. Here is the counting of one rookery, and the pods of pups ran 58, 44, 14, 30, 32, 10, 9, 13, and so on down through the list. The point is

that we divided up the large groups so as to insure accuracy, and if we got confused about it we could always recover the small group and start it over again and make a recount.

Mr. McGUIRE. Who assisted you in that count aside from the natives, who I take it cut these small groups out for you?

Mr. CLARK. Mr. A. G. Whitney, the school-teacher on St. Paul Island, was with me in all the pup counting from beginning to end.

Mr. McGUIRE. Where is he?

Mr. CLARK. He is located on St. Paul Island now.

Mr. McGUIRE. Any one else?

Mr. CLARK. Mr. A. H. Proctor counted with us on St. George Island, because he is located there as caretaker. Mr. Philip Hatton, Dr. H. O. Mills, and Mr. Hanna, school-teacher on St. George, assisted us on St. Paul. I may say about these counts that I have them all certified to in my report for 1913 by the men who made the counts with me. The certification is like this:

We the undersigned participated in the above counts for St. Georges Island as indicated in the notes. The counts were made jointly by Clark and Hatton or by Clark and Proctor, and in the case of the harem counts for July 18 to 20 by Hatton and Proctor jointly. We believe the counts to be reasonably accurate, giving a close approximation of the actual number of animals. The margin of error is slight, and in the nature of an under rather than an over estimate.

That is signed by F. M. Chamberlain, naturalist; A. H. Proctor, agent; Caretaker P. R. E. Hatton, agent; Caretaker G. A. Clark, special assistant; A. G. Whitney, school-teacher, and refers primarily to St. George. Other papers certify to the counts on St. Paul.

Mr. McGUIRE. In what way, if any, or to what extent do the results of that count differ from the count taken by Mr. Elliott and Mr. Gallagher last summer of the pups?

Mr. ELLIOTT. Only a few thousand.

Mr. CLARK. On page 27 of hearing 1, which we have before us, is the census of Messrs. Elliott and Gallagher. In the first item he gives 1,400 old bulls. He does not say whether they are harem bulls—

The CHAIRMAN (interposing). But how do they differ in number? That is what the Congressman wants to know.

Mr. McGUIRE. Let us see what the difference is generally. I asked as to the pups, but I would like to have it as to all of them.

Mr. CLARK. Messrs. Elliott and Gallagher give 1,400 old bulls and 150 young bulls for what I have indicated as 1,403 harem bulls and 364 idle or young bulls, so that there is not a very great difference between us there. But, by the way, I want to call attention right here to the fact that Mr. Elliott at the top of page 27 has given us 1,550 bulls and at the bottom of this same page he says there are 1,450 bulls.

Mr. ELLIOTT. That is a typographical error.

Mr. CLARK. Very well. Then near the top of page 48, he says there are 1,731 bulls combining the two estimates for St. Paul and St. George, while at the bottom of the same page he says there are 1,500 bulls.

Mr. ELLIOTT. That is another typographical error which was corrected in my statement.

The CHAIRMAN. Which is the correct figure?

Mr. ELLIOTT. The final statement. I never saw the proof. I noticed those errors, but I knew they would appear in the final statement, and in the final statement you would get them all right.

Mr. CLARK. This is the final hearing I am using. At page 171 you say further that there are from 750 to 800 bulls.

Mr. ELLIOTT. In active service.

Mr. CLARK. In active service?

Mr. ELLIOTT. Yes, sir; the others were practically null and void. They were not doing much.

Mr. CLARK. Then on page 66, where Mr. Elliott has given a daily record of his count, they foot up 1,860. Now, gentlemen, you can take your choice.

Mr. McGUIRE. One thousand eight hundred and sixty what?

Mr. CLARK. Bulls.

Mr. ELLIOTT. Of all classes.

Mr. CLARK. In this census we have all those figures. I do not want to lay any stress upon these things, but I want you to understand that this census is not like the census which I have prepared for you.

Mr. McGUIRE. You state that the final figures and footings made by Mr. Elliott amount to eighteen hundred and some bulls?

Mr. CLARK. The census estimate he gives on page 27 is 1,550 bulls, but if you will go to the field notes at the end of each day's work and foot up his bulls they will number 1,860.

Mr. McGUIRE. So that the discrepancy is where?

Mr. CLARK. Between 1,550 and 1,860 in his own figures.

Mr. McGUIRE. That is, his field notes show eighteen hundred and something and his totals there show fourteen hundred and something.

Mr. CLARK. Yes; and I have called attention to various other estimates in this report.

Mr. McGUIRE. I am asking you now wherein there is any difference in your computations and Mr. Elliott's or anybody else's. Do you find any other differences in the count, in your count and Mr. Elliott's and Mr. Gallagher's count?

Mr. CLARK. In the item of cows 80,000 is the figure given by Mr. Elliott. Three weeks later we counted 92,269 pups. Therefore there must have been 92,269 cows, and that is a difference of 12,269 in the matter of cows.

Mr. McGUIRE. Between your figures and Mr. Elliott's?

Mr. CLARK. Yes.

Mr. McGUIRE. For the purpose of this examination, as to these different parties I will simply designate you as one count and Mr. Elliott as the other, with the understanding that Mr. Gallagher was with Mr. Elliott, and you had other parties with you. Now, then, in your judgment which is the easier to count, the cows or the pups?

Mr. CLARK. The cows can not be counted. At the time Mr. Elliott's estimate was made not half of the cows were present on land and not half of the pups were born, so that at that time neither of the animals could be counted.

Mr. McGUIRE. Then which is the more accurate way of getting a correct count, by counting the cows or by counting the pups?

Mr. CLARK. The count of pups is the only accurate way of enumerating the cows.

Mr. McGUIRE. There must be one cow for each pup?

Mr. CLARK. Yes.

Mr. McGUIRE. You mean to say the cows are coming and going continuously?

Mr. CLARK. Yes.



Mr. McGUIRE. But the pups remain there after birth for a certain time?

Mr. CLARK. Until they overcome their fear of the water.

Mr. McGUIRE. So you get all the pups at one time on the rookeries, but you never get all the cows at one time on the rookeries?

Mr. CLARK. No.

Mr. McGUIRE. Are there any other differences or discrepancies between your count and Mr. Elliott's?

Mr. CLARK. Mr. Elliott has assigned 70,000 pups. As I have said, we counted 92,269. Therefore there is a difference of 22,269 pups.

Mr. McGUIRE. Were you there when he made a count of the pups?

Mr. CLARK. I was during part of it, on one-fifth of all the rookeries.

Mr. McGUIRE. Did he count all the rookeries?

Mr. CLARK. All the rookeries, or was supposed to. At least, he gives an estimate for all the rookeries.

Mr. McGUIRE. When did he make his count of the pups with respect to the time you made yours?

Mr. CLARK. He made them between the 12th and 18th of July or the 12th and 20th.

Mr. ELLIOTT. Between the 10th and 20th.

Mr. McGUIRE. Of July?

Mr. CLARK. Yes.

Mr. McGUIRE. When did you make yours?

Mr. CLARK. Between the 31st day of July and the 8th day of August.

Mr. McGUIRE. When are the last pups born?

Mr. CLARK. We saw pups born—there were perhaps a dozen freshly born pups on the rookery at the time we made the live pup counts, so there were some births as late as the first week in August; but at the time of Mr. Elliott's counts not half of the pups were born and only one-half of the cows were present. That is the point I want to make about that.

The CHAIRMAN. That causes all the difference in the statements, I suppose?

Mr. CLARK. But of course this should be a census of the entire herd and not of the herd at a particular time.

Mr. McGUIRE. Now, do you notice any other differences?

Mr. CLARK. Well, I notice that the number of yearlings, for example, is stated at 30,000 males and females. I know that 81,984 pups were born in 1912 by actual count. Therefore to assume that only 30,000 of them survived is a large underestimate. We have never admitted that more than half of the pups were lost in the first migration, and that would leave 40,000 yearlings.

Mr. McGUIRE. Is that your estimate?

Mr. CLARK. That is my estimate.

Mr. McGUIRE. And what is his?

Mr. CLARK. 30,000.

Mr. McGUIRE. 10,000 difference there?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. Now, is there any other difference of method or opinion between yourself and Mr. Elliott as to the counting?

Mr. CLARK. I differ from him on all these counts of bachelors. He offers an estimate of 6,000 bachelors of the age of 2 years.



The birth rate of 1911 must have been practically the same as 1912 or 80,000 to 82,000; but he only admits that 6,000 of them survived to the age of 2 years, and allowing the same number of females that would be 12,000 out of 80,000, which is out of the question. There were certainly 15,000 of the 2-year-old females and 15,000 of the 2-year-old males in 1913. Now, in the case of the 3-year-olds he offers only 3,000. That is getting clear down and out, because the birth rate of 1910 must have been very nearly what it was in 1911, and therefore the reduction is too great. We know also that only 2,000 2-year-old animals were killed in 1912. Therefore these animals must be somewhere, and I have estimated that there were 10,000 of them in 1913.

Mr. McGUIRE. And he gives 3,000?

Mr. CLARK. Yes. Mr. Elliott says there are 400 4-year-olds. Mr. Marsh and myself saw the heads of 2,000 3-year-olds clipped last year. They were not killed last year and were not killed this year. They must have been there somewhere.

Mr. McGUIRE. What is your judgment about that?

Mr. CLARK. I say there were at least 2,000 4-year-olds.

Mr. McGUIRE. From your observations could you form any estimate of the number there?

Mr. CLARK. Those animals come and go so it is very difficult to do that, but I know we clipped 2,000 of them and there is practically no loss in the third migration.

Mr. McGUIRE. Is there anything else in respect of the counting you want to speak of?

Mr. CLARK. I want to call attention to the fact that I was desirous of settling these points with Mr. Elliott on the island.

Mr. McGUIRE. What were your instructions? Did you have any written instructions from the department?

Mr. CLARK. I had written instructions, but I got supplementary instructions by wireless when it was known that Mr. Elliott was to be up there.

Mr. McGUIRE. What were those instructions? Have you them with you, or are they to be had in the department?

Mr. CLARK. I have a copy of my instructions. I would say—

Mr. McGUIRE (interposing): Will you read them into the record?

Mr. CLARK. I would like to read this letter, if I may.

Mr. McGUIRE. Yes; you can read that.

Mr. CLARK. The point is I asked Mr. Elliott to cooperate with me; personally invited him to go with me and help me count these rookeries and do my work with me in order that we might reach a basis of agreement. He had time to do it, because I arrived two days late; and the first two days I devoted to the work Mr. Elliott stayed in doors and so did Mr. Gallagher. They could have gone with me and I invited them to do so. They would not do it—refused.

Mr. ELLIOTT. You were at perfect liberty to go with us?

Mr. CLARK. I wish to read this letter.

The CHAIRMAN. I understand the matter perfectly. Mr. Elliott and Mr. Gallagher were sent up by this committee and you were selected to go up there on behalf of the department, and I did not know that fact. When I learned you were up there I said they should make an examination independent and alone for the committee. I am responsible for that.

Mr. McGUIRE. That is all right so far as the chairman is concerned. This is all news to me and I want to know about it.

Mr. ELLIOTT. I invited him to join us and come in on everything we were doing and he did so.

Mr. CLARK. As I say, I first invited Mr. Elliott informally and in the presence of Mr. Chamberlain, and when he did not accept, then I wrote him this official letter, because I deemed that my instructions made it mandatory upon me to reach some kind of cooperation. This is dated St. Paul Island, Alaska, July 13, 1913:

Mr. HENRY W. ELLIOTT,  
St. Paul Island.

MY DEAR SIR:

Instructions received by me from the Commissioner of Fisheries contain these provisions:

"During the visit of Henry W. Elliott and assistant to the seal islands next month, facilitate their inquiries in every possible way and extend every courtesy, and with at least one other department representative accompany them in their visits to all parts of the islands and make a simultaneous observations and records, these to be duly certified and forwarded so that the department may be fully advised of conditions this season."

In accordance with these instructions I invited you this morning to duplicate with Mr. Chamberlain, Mr. Whitney, and myself the height of the season counts of harems, idle bulls, and young bulls. Notwithstanding your declination to do this at the time I formally tender the invitation again, hoping that you may reconsider the matter and accompany us to Zapadni, Tolstoi, and Lagoon to-morrow. We will cheerfully go over Gorbach, Reef, Kitovi, and Lukanin—the rookeries covered to-day—if you will join in the work. You will note that we were prevented from joining you in this work by reason of delay in reaching the islands. There is, furthermore, time at least to go over Zapadni and Tolstoi before your work at Northeast Point and Polovina, which is set for the 15th.

In the meantime we shall be prepared to join with you in the work at Northeast Point and Polovina in accordance with your kind offer, the work to begin on the morning of the 15th.

I shall be glad to have you join us in the counting of the fur seal pups and the study of pup mortality, and any other work we may undertake, and if there is any way in which I can assist you or facilitate your work, through my experience in 1902 and 1912, it will be a pleasure to me to do so. My field notes for the latter season I have placed at your disposal.

I should appreciate a written reply to this letter.

Very truly yours,

GEORGE A. CLARK, *Special Assistant.*

I may say that I did not receive a reply to that letter.

I am offering this letter as an expression, in a measure, of my disappointment that we were not able to get together and do this work together, and I want to show it was not my fault that we did not do that.

Mr. McGUIRE. You say after you wrote Mr. Elliott and presented him a copy of the letter you have just read you did some counting; that is, you did your counting after that time?

Mr. CLARK. Yes.

Mr. McGUIRE. Did he do any counting after that time?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. At what time in the day did you give him that letter?

Mr. CLARK. Well, the ship landed us about 7 o'clock in the morning and we were one day late, so I wanted to get immediately on the rookery. I went personally to Mr. Elliott and asked him to accompany us and then we went on because we had a heavy day's work before us.

Mr. McGUIRE. Was that the day you wrote the letter to him?

Mr. CLARKE. At night I wrote that letter. The letter states the fact that I was confirming a verbal offer made in the morning and was offering to recount the work we had done that day if he would join us at another time.

Mr. McGUIRE. And when he did not reply to the letter what did you do?

Mr. CLARK. I went on with my work independently and then went and accompanied him in his work of counting on Northeast Point and Polovina, which of course was my next work also, and we worked together on that, but not in cooperation at all, each entirely independent. He did not give me the results of his count at the end of the day. So we did not cooperate.

Mr. McGUIRE. Did each make his own figures with respect to the count?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. And did you have any conversation at all?

Mr. CLARK. Yes; we had some conversation.

Mr. McGUIRE. What about?

Mr. CLARK. Well, there has been a point of difference between Mr. Elliott and myself about his surveys of 1872-1874. I hunted the fur-seal rookeries from top to bottom trying to find monuments which he mentions in his monograph as having been fixed for future observers to measure the herd by. I could not find them. He had a copy of his 1890 report and a map, and was referring to it at certain points as "at station A." I asked him where station A was; as to what rocks or what designations determined station A. He informed em, and it came to me like a shock out of a clear sky, that his monuments were fixed on his maps so they could not be covered over by the sand or overgrown by weeds, or anything like that. In other words, he took his map and when he came to a point of the ground which seemed to him to fit station A, that was station A.

Mr. McGUIRE. But there were no monuments indicated there?

Mr. CLARK. No; no monuments.

Mr. McGUIRE. Did you have any other conversation with respect to the counting?

Mr. CLARK. Well, at the first bunch of seals we came to Mr. Elliott asked Mr. Gallagher to make a count of it. Of course, Mr. Whitney made a count and I made a count and Mr. Elliott was making his own count. Then he began to dictate a note to Mr. Gallagher in which he said "40 bulls, 750 to 800 cows." Mr. Gallagher was counting and did not pay any attention to him. He repeated it two or three times. When Mr. Gallagher gave attention the word "forty" seemed to cause him to pause, and I asked Mr. Gallagher how many he had counted. He said 18. That was what I counted and that is what Mr. Whitney counted. Then I protested and asked for a recount. He redictated his note "30 to 40 bulls, 750 to 800 cows," adding: "Throw in a few for good measure. Don't give the seals a black eye. They have been treated badly enough."

Mr. ELLIOTT. "Don't underestimate them all the time." Didn't I say that?

Mr. McGUIRE. So you, Gallagher, and the other man agreed there were 18 bulls, but Mr. Elliott had a different figure?

Mr. CLARK. Yes; and I find he has noted in the end as 38.

Mr. ELLIOTT. Mr. Gallagher has put it down 38.

The CHAIRMAN. What was your count?

Mr. CLARK. Eighteen.

The CHAIRMAN. And it is 38 in the report?

Mr. CLARK. Yes.

Mr. McGUIRE. Do you find any other differences or are you through with the question of counting?

Mr. CLARK. I would like to mention one other conspicuous instance, speaking of an underestimate. On the top of Hutchinson Hill—I have shown you a photograph of a big crowd of seals there. As we stood there on top of the hill Mr. Elliott said, "There are 6,500 cows in that bunch." I told him we had counted 7,500 pups there the year before and that there were plainly more cows, but that was waived aside, and we did not agree on it. About three weeks later when I counted the pups there we found exactly 11,371. Now that is underestimating. On the other hand, two hours later, when we were finishing Polovina rookery, Mr. Elliott said there were 8,005 cows on it, and when I counted Polovina rookery three weeks later there was just 5,000 pups, so you can take your choice of estimates.

Mr. McGUIRE. How many did he say there were?

Mr. CLARK. Eight thousand and five.

The CHAIRMAN. In the meantime those animals change, do they not? They go from place to place, do they not?

Mr. CLARK. No; they do not.

The CHAIRMAN. They are not always on the same spot, are they?

Mr. CLARK. The animals of every rookery belong on that rookery. They do not go to other rookeries.

The CHAIRMAN. But whatever may have been there when you got there, if he was there two weeks before, the same seals may not have been there.

Mr. CLARK. The point is I got all of them by waiting until the pups were all born and then counting all the pups. I did not care about the cows, because they would come and go.

The CHAIRMAN. I simply want to find out about that, because I think we are really getting into inconsequentialities as to differences of opinion, and it will take a lot of time and be a matter of much expense.

Mr. McGUIRE. What I was after is this: Here is a scientific, you might say, witness who is skilful in his method of handling the seal and has probably been there more than any other person and has had a great deal of experience, and I want to find out the points of difference between Mr. Elliott and this witness in detail. Of course, it is going to take a lot of time; but the witness is here, and I think it is the duty of the committee to find out what he knows.

The CHAIRMAN. It was only on that account that I suggested it, because I think there is substantial agreement as to the whole number of seals up there.

Mr. McGUIRE. Oh, no; there is a difference of about 80,000.

Mr. ELLIOTT. What does that amount to?

Mr. CLARK. I do not like to have it stated that it is a difference of opinion. What I meant to say was that his is not an accurate account of those pup seals.

Mr. ELLIOTT. His own official assistants deny his count and say it is impossible.

Mr. McGUIRE. I was going to call the attention of the witness to what his assistants had to say.

Mr. CLARK. Now, on page 138, and following, of this document marked Hearing No. 1, are notes from the island logs, which Mr. Elliott has submitted as proof that I did not make these counts accurately.

Mr. McGUIRE. On what page is that?

Mr. CLARK. It is on page 138 of Hearing No. 1, on which are recorded the views of the agents regarding a previous pup count, but not regarding this count at all. The agents and natives have not found pup counting an easy task, and have not enjoyed it, or the prospect of its being taken up as a regular annual work, and they have recorded in that log their views regarding their own efforts in this direction, that is all. No reference whatever is made here to the count which I made. What other people may think I did is one thing, what I did is another. Mr. Elliott had an opportunity to stay and count these pups with me. I invited him to do that, in the letter which I read to you to-day. He left the island the day before the work began, and by hurrying my work, I gave him two days start on his homeward journey, hoping he could spend those two days in counting the pups on St. George Island, but he evaded the issue.

The CHAIRMAN. I had given him instructions to do so. I told him that because I had known of your past in regard to this matter, when I heard you were going up, I said that they should make it independently, for the committee. I did it.

Mr. CLARK. You understand I am not complaining about your action, Mr. Chairman.

The CHAIRMAN. No; but it ought to be sufficient that you can not attach any blame to him and Gallagher, when I told them not to let anybody make a count with them, because they were sent by the committee. I did not know you were sent by the department at the time I did it.

Mr. CLARK. Why does he attack my figures?

Mr. McGUIRE. My idea in calling this out is simply this: The figures of the witness have been attacked in Mr. Elliott's report. Witness, I take it, did not know anything about Mr. Elliott's instructions from you, Mr. Chairman. I did not know anything about them. It is all news to me. This is the first time I have heard of it. I did not know there was any difference between the department and the committee, if there is any.

The CHAIRMAN. There is not any difference between us. I did not know that Mr. Redfield had sent him up.

Mr. McGUIRE. If I had known anything about Mr. Elliott being sent by the committee—that is, if it had been done by committee action, I might not have been here—I would have insisted that the two go together.

The CHAIRMAN. They telegraphed me during the summer and I wired back that they were sent by the committee, and they should make an independent count.

Mr. McGUIRE. I think the witness ought to be permitted to give his statement, not with any idea of reflecting on Mr. Elliott at all, but I think the record ought to be clear as to that.

The CHAIRMAN. If that is true, and your figures are disputed, Mr. Clark, it is entirely proper that you should go ahead and explain them.

Mr. CLARK. I wish to read from page 26 a footnote at the bottom of page 26 of this Hearing No. 1, which footnote was presumably written by Mr. Elliott, which footnote says:

We gave the subject of the "counting" of "live pups," with a view to getting a fair idea of its extent and accuracy in determining the numbers of breeding seals on these Pribilof rookeries, very close attention.

A careful study of the work as it has been done on St. George and St. Paul Islands, beginning in 1901 and ending in 1912, warrants our statement that it is not an accurate census when said to be so made. It is an estimate only, and one that is arrived at by making a highly injurious disturbance on the breeding grounds; it should be prohibited as idle and positively detrimental.

Mr. McGUIRE. Your conclusion from your experience and your actual counting is that there is not or ought not to be any question as to your ability to count accurately; that it can be done, and that you have done that?

Mr. CLARK. I have done that.

Mr. McGUIRE. You did that in 1913?

Mr. CLARK. I did that in 1913. I have the word of the other gentlemen to the same effect.

Mr. McGUIRE. Has anybody anywhere, with the exception of Mr. Elliott's statement there, denied your count in 1913?

Mr. CLARK. No, sir.

Mr. McGUIRE. Was there any contention by your assistants there that you could not make an accurate count of the pups in 1913?

Mr. CLARK. No; they signed the count with me, in entire corroboration, and most of the counting was done by one of them, in addition to myself.

Mr. McGUIRE. And the signatures and the certificates you have placed in the record to-day are the willing signatures and the willing certificates of the persons who did assist you?

Mr. CLARK. Yes.

Mr. McGUIRE. And you all agreed?

Mr. CLARK. Yes, and those signed statements are in the hands of the Commissioner of Fisheries.

Mr. McGUIRE. Did you make a full report to the Commissioner of Fisheries?

Mr. CLARK. I did.

Mr. McGUIRE. Do you know, from Mr. Elliott's report, what number of seals he figured were on the islands in 1913?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. How many?

Mr. CLARK. 190,950.

Mr. McGUIRE. Do you agree with that?

Mr. CLARK. I do not.

Mr. McGUIRE. What is the number you made it?

Mr. CLARK. 268,305.

Mr. McGUIRE. A difference of about 77,000. How many were there there in 1912?

Mr. CLARK. In 1912 the number was 215,738. The census of that year was made in exactly the same way.

Mr. McGUIRE. Did you make the census that year?

Mr. CLARK. I made the census that year.

Mr. McGUIRE. And did you count the pups in the same way?

Mr. CLARK. I counted the pups in the same way.



Mr. McGUIRE. Did you get as accurate a count in 1912 as you did in 1913—I mean the count of the pups?

Mr. CLARK. Quite as accurate.

Mr. McGUIRE. And the counting of the pups is the best way to determine the number of bearing females?

Mr. CLARK. It is the only way to determine that accurately.

Mr. McGUIRE. Of the females?

Mr. CLARK. Yes. In 1897 I counted for the commission of 1896-97 a mile of rookery ground during the season, from the arrival of the first cow on the 12th day of June until the 31st day of July, and I would like to call your attention to volume 1 of the proceedings, on page 212, volume 1 of the Report of the Commission of 1896 and 1897. The rookery was at Lakunen. It is not necessary to give the details, but there was one cow on June 12, and the number gradually increases to 1840 on July 15. It then showed diminution day by day. Up to that time the arrivals had been in excess of the departures, but after that time the departures were in excess of the arrivals. When we counted those pups, which we did later, there were approximately 3,600 of them, twice as many pups as cows at the time of maximum number of cows as counted.

The commission of 1896 accepted those figures as settling the fact that at the time in the breeding season when the largest number of cows were present, no more than half of them were present.

Mr. McGUIRE. There is absolutely no doubt of your ability to count accurately 3,000 pups on one rookery, and so you assume that count was correct?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. It showed that there were about twice as many pups born that season as you had been able to observe there were cows present on any one day of that season?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. To what do you attribute the fact of the dearth of cows on any one day? Do you think they have gone to get feed or anything like that?

Mr. CLARK. Yes. The cow arrives shortly before the birth of her pup, sometimes a few hours and sometimes a day or two. The pup is born, and she rests, and after about a week she is re-served by the bull, and then goes out to sea to feed. She goes out 100 to 200 miles from shore. She remains anywhere from three days to a week, feeding heavily and sleeping on the water. Then she returns to the island. The pup goes without food in the meantime, and when she comes home gorges itself for the three or four days she rests on shore. The mother seal then goes off to feed again. As the pup grows older the mother seal stays away longer, and toward the end of the season she will be gone from ten days to two weeks at a time.

Mr. McGUIRE. You say it is due to that fact that you can not get an accurate count of the mothers of the pups?

Mr. CLARK. That is why I say that when Mr. Elliott made his estimate between the 10th and 15th of July, in 1913, he made it at a time when not half the cows were present, and not half of the pups were born, because the bulk of the pups are born after the 15th of July.

Mr. ELLIOTT. I made it with a full knowledge of that fact.



Mr. CLARK. Mr. Chairman, I want to state there that I waited until I could be safe in saying that the number of pups which might be born after I completed my count was an absolutely negligible quantity.

The CHAIRMAN. You mean to say you have made a correct count from the 31st of July in about 10 days?

Mr. McGUIRE. Did you make a count in 1910 or 1911?

Mr. CLARK. I did not.

Mr. McGUIRE. Did you make a count in 1909?

Mr. CLARK. I did; yes.

Mr. McGUIRE. Were you not there in 1910 and 1911?

Mr. CLARK. No.

Mr. McGUIRE. How many seals were there in 1909?

Mr. CLARK. In 1909?

Mr. McGUIRE. Yes.

Mr. CLARK. In 1909 the estimate is 158,000, made up differently, however, from the census of 1912 and 1913.

Mr. McGUIRE. How differently? Do you think it was made up as accurately?

Mr. CLARK. Less so, I think. In 1896 and 1897, when the Jordan-Thompson Commission undertook to make an estimate, they found the question in great confusion. For instance, it had not been understood until these counts that I speak of here were made, that there was not a time in the height of the breeding season when practically all the cows were present. It had been assumed that at the time when the harems are compact and the greatest possible number of cows were present that all of them were there. It was assumed that an estimate at that time would give a complete census of the cows, or at least so complete that the number omitted was a negligible quantity. When we found there were twice as many pups as visible cows, it threw the whole past history of that matter in confusion.

That was why the commission went back a second year, because the estimate made in 1895 by Messrs. True and Townsend had assumed that all the cows were present at the time they made the estimate and took the census. About 75,000 cows were estimated, and we were forced to make nearly double that number. The basis of the previous censuses had been acreage measurements or square-foot measurements; that is, the area of the rookeries was computed from maps and a certain space assigned to an individual seal. A division was made, and that was the population.

Partly because of the discovery that the cows were not all there at that time, and for other reasons, we decided that we would establish a new basis. Dr. Jordan wanted a more accurate basis, and we discovered that we could count all the breeding females. Then he assigned to Mr. McCoun and myself the business of making a count of the cows on a certain portion of the rookeries, and we covered one-fourth of the rookery space in 1896, with a view to getting an average harem, which we could apply to the total number of harems and in that way we could get a more accurate estimate of the animals.

In 1897 we recounted the pups on this same area, and the commissions agreed that the difference between the birth rate of 1896 and that of 1897, 13½ per cent, was accepted as a measure of decline in the herd for the two seasons. We took that basis of the average harem and applied it to the herd as a whole, and we made up the estimate. In 1909 I duplicated that method exactly. We counted

the same areas for the pups that we counted in 1896 and 1897, and having got the average harem, applied it to the remaining harems and made up the census on that basis.

The CHAIRMAN. How many cows did you find there in 1909?

Mr. CLARK. Breeding cows, 50,626.

Mr. McGUIRE. Did you reach that conclusion by counting the pups?

Mr. CLARK. We counted them on one-fourth of the area of the breeding grounds, and then applied the average harem obtained from that to the total number of harems.

The CHAIRMAN. What number of breeding cows were there there in 1911 and 1912?

Mr. CLARK. I am not aware of the number in 1911, because I was not on the islands that year.

The CHAIRMAN. Do you know anything about 1912?

Mr. CLARK. The number of breeding cows in 1912 was 81,984.

The CHAIRMAN. That is the figure I have here.

Mr. CLARK. That is made from the full count of the pups.

The CHAIRMAN. I have been asked to ask you how they increased?

Mr. CLARK. Increased in what way?

The CHAIRMAN. From 1909 to 1912 there was an increase of 31,000.

Mr. CLARK. I have just explained in answering Mr. McGuire's question that in 1909 I counted pups in only one-fourth of all the harems. These were necessarily the more scattered rookeries, and the average harem there was less than on the larger rookeries, which we could not count either in 1909 or in 1896 and 1897. Therefore, the figures of 1909 are an underestimate and should be corrected. In 1909 I was charged with the task of duplicating the work of 1896 and 1897, and therefore I was forced to take the same basis in order to get the same comparative results.

While pelagic sealing was in force, the herd was declining, and it made no difference about its exact condition at any one time. The important thing was the measure of decrease year by year. That is why the 1909 estimate is an underestimate as compared with 1912. A change of basis was made in 1912 because the herd had been freed from pelagic sealing and was no longer declining, was in fact at its lowest point. Therefore the count of all the pups was undertaken. And we repeated the count of 1912 in 1913 in order to determine how much the herd had increased between the two seasons.

Mr. McGUIRE. In the absence of pelagic sealing it is possible to get an almost accurate count of the present number of seals there, is it not?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. There has been, Mr. Clark, in the past an expression of opinion somewhat varying as to the size of a normal harem.

Mr. CLARK. Yes, sir.

Mr. McGUIRE. What would you regard as the size of a normal harem?

Mr. CLARK. From my experience in 1912 and 1913, I should say that anywhere from 50 to 70 cows would be a normal harem.

The CHAIRMAN. You say from 15 to 17?

Mr. CLARK. No, I say from 50 to 70 cows would be a normal harem. The 92,269 pups of 1913 were chargeable to 1,358 harems

in 1912. That, of course, is an exact measure of the number of cows to each bull in that particular season, 65, and as the pups of 1912 were perfect specimens, I feel that there is no reason to assume that that number of cows was too great for any bull. The bulls accepted the responsibility voluntarily. I should consider that a normal harem.

Mr. McGUIRE. When was the first branding of seals on those islands for the purpose of keeping tab on them?

Mr. CLARK. Well, in 1896 and 1897 we did some branding for the sake of determining whether it would depreciate the value of the female skins, thus discouraging the pelagic sealers. But that work was not continued. In 1899, 1901, and 1902 a certain number of animals were branded, which I found served a very useful purpose, inasmuch as we detected them in considerable numbers on the breeding grounds in 1909, and, knowing when they were branded, we obtained a line on their age. I found them again in 1912, and again in 1913. I found one branded bull, for example, located in the same spot at the end of the East rookery on St. George Island in 1912 and again in 1913. One found in 1909 on North rookery was in the same place in 1912. These records help us to fix the mature age of the bulls and cows. That branding was discontinued in 1903. In 1904 they began to mark them by what has been designated loosely as branding, but really by means of sheep shears, clipping the head, and setting aside——

Mr. McGUIRE (interposing). Yes, but I did not mean clipping them; I meant when did you first brand them with a hot iron?

Mr. CLARK. That was in 1896 and 1897.

Mr. McGUIRE. And when did you last brand them that way?

Mr. CLARK. In 1912.

Mr. McGUIRE. What class of seals did you brand?

Mr. CLARK. We branded the pups born that season, animals of about 2 months old.

Mr. McGUIRE. Where on the body did you brand them?

Mr. CLARK. On the crown of the head, right on the top of the head, putting a T mark down between the eyes on the forehead and then across and back of the head, making a rough T, so that the two wounds would not unite and form a break.

Mr. McGUIRE. How many did you brand?

Mr. CLARK. Personally, I superintended the branding of 1,741.

Mr. McGUIRE. How many were branded that year, to your knowledge?

Mr. CLARK. I think between five and six thousand were branded on both islands.

Mr. McGUIRE. They were all pups?

Mr. CLARK. They were all pups; yes.

Mr. McGUIRE. Pups that had never been to sea?

Mr. CLARK. Yes.

Mr. McGUIRE. That year?

Mr. CLARK. Yes.

Mr. McGUIRE. You returned in 1913?

Mr. CLARK. Yes.

Mr. McGUIRE. And the year before you had branded in the neighborhood of 5,000 pups?

Mr. CLARK. Yes.

Mr. McGUIRE. What can you say from your observations as to those pups being on the island when you went there the following year, in 1913; I mean the pups which you had branded in the previous year?

Mr. CLARK. I did not find them.

Mr. McGUIRE. Did you look for them?

Mr. CLARK. I looked with very great eagerness for them. I had these bachelors on the reef hauling ground driven up, because the largest number of pups were branded on Reef Rookery. I searched for them many times; on one occasion we drove up all the animals and had them paid off, so that we could examine them more minutely. We found one with a perfect brand, and we snared it and measured its length and its girth and photographed it. Unfortunately, I have not a copy of that photograph here, but it is in connection with the atlas in my 1913 report to the Bureau of Fisheries. That gives an actual picture of the yearling seal——

Mr. McGUIRE. You know that was a yearling seal?

Mr. CLARK. Yes; that is the only yearling seal that anybody up to that time had any right to swear to. I had previously studied a yearling seal in Golden Gate Park in 1910, an animal was brought down there and put in a tank in Golden Gate Park. I went to see it as often as I could, and in August, 1911, when Mr. Marsh, the naturalist, was going up to the islands he and I inspected that animal and measured it. We got its length. It was then 1 year and 1 month old.

Mr. McGUIRE. That was the one?

Mr. CLARK. That was one the age of which I was sure about, because it had always been in the same place the whole year.

Mr. McGUIRE. Do you remember its measurements?

Mr. CLARK. It was 36 inches in length. This one I caught in 1913, this branded animal, of which we are absolutely certain, its length was  $36\frac{1}{4}$  inches. Those are the only animals I have seen to the measurements of which I could swear as being yearlings, because I knew the history of the animals.

Mr. McGUIRE. Then the only difference between the length of the one which had been in captivity all the time and the one which you had branded the previous year was a quarter of an inch in favor of the one which had not been in captivity?

Mr. CLARK. Yes.

Mr. McGUIRE. One was 36 and the other was  $36\frac{1}{4}$  inches in length?

Mr. CLARK. Yes.

Mr. McGUIRE. You say 36 inches was the measurement of the one in captivity. What does that measurement include?

Mr. CLARK. It was taken from the tip of the nose to the root of the tail, which would be the usual method of measuring the length of the animal.

Mr. McGUIRE. How much of that would be taken off for a skin?

Mr. CLARK. In 1912, in case 205 skins, which we measured, the residue left there was about 4 inches average.

Mr. McGUIRE. Now, at what time in 1912 did you do this branding? What dates? If you have not the exact dates immediately available, can you give them approximately?

Mr. CLARK. It was the first week in September. I have recorded here on the 6th of September a reference to the branding; that the

natives helped us to brand on the 3d of September. It occurred prior to the 9th of September, because we had to leave the island on that date. Mr. Lempkey finished the work later in the season.

Mr. McGUIRE. And you branded them practically from the 5th to the 10th of September?

Mr. CLARK. That was really too early, and it was done then only because I had to get away. The real time for branding would be a month later. The animals are larger at that time.

Mr. McGUIRE. Then, in 1913, you say, you made a search for the branded animals, and they were not there?

Mr. CLARK. Except as to this one animal which I found in this bunch on the reef, and we snared it, but I saw, in addition to that one, three other animals, two of them on St. George Island.

Mr. McGUIRE. The search you made for them was made during the killing season, was it?

Mr. CLARK. Yes, the later period of the killing season. Of course, there was no killing in 1913, and so the hauling grounds were undisturbed. But I could go at any time and look over the bunch of animals as they lay in the hauling ground, and determine if possible whether there were any branded animals among them.

Mr. McGUIRE. What truth has the branding of those animals developed?

Mr. CLARK. It settled the question of the yearling seal. If those animals came in any considerable numbers to the hauling grounds, a large number of the 6,000 branded pups would have appeared on the hauling grounds. So few of them did appear there that we have a right to say that the yearlings do not come to the hauling grounds in the killing season.

Mr. McGUIRE. In your report to which attention has been called, I have forgotten the page, you stated that the hauling grounds were practically killed clean. What light has this branding thrown upon your report of 1909, if any?

Mr. CLARK. It has cleared up my doubts at that time. I saw a condition in 1909 where practically every small animal was killed, and the question was whether the yearlings came to the hauling grounds or not.

Mr. McGUIRE. That had been the question prior to that time?

Mr. CLARK. Yes.

Mr. McGUIRE. If they came then the situation of 1909 was a serious one, with respect to that. If the yearlings came to the grounds, they must have been killed, because there was no considerable number left not killed. The effect of the branding demonstrated that the yearlings did not come to the hauling grounds and therefore they were necessarily not killed in 1909, and the animals that were killed were the 2-year-olds, or above that age.

Mr. CLARK. That was connected back also to our experience in 1897. In 1897 we saw 18,000 animals killed, and for the 18,000 animals killed there was turned back 23,000 of the small animals. Many of the small animals were driven several times. In 1897 the limit of killing was 6 pounds, and that exempted the 2-year-olds. A large part of the animals turned back in 1897 were 2-year-olds. But the minimum of killing in 1909 was 5 pounds, and this permitted the taking of 2-year-olds into the quota in 1909.

Mr. McGUIRE. Are you willing to stand on your statement that the yearlings do not return in any great numbers as being a definite truth discovered with respect to the yearlings?

Mr. CLARK. I do.

Mr. McGUIRE. Then what would you say as to the branding in the future with a hot iron?

Mr. CLARK. The real purpose of this test was not to determine the presence or absence of the yearling on the hauling grounds. That was one thing learned by the branding not expected. The test was to determine the standard size of the different animals.

I wanted to kill one or two dozen of the yearlings, and I had instructions which would have enabled me to kill the animals had I been able to find them. I wanted to measure the length of the animals, their girth—to take all the measurements that would go to a scientific determination of the animal. I would then take the length and width of the skin green and then in salt, and with the corresponding weights this would have settled the standard size of yearling; but I was disappointed in not finding the animals to kill and to use as a determining factor.

Mr. McGUIRE. Then you came away?

Mr. CLARK. Yes.

Mr. McGUIRE. What time did you come away, what date?

Mr. CLARK. I had to leave on the 8th of August.

Mr. McGUIRE. What time do the seals leave the islands?

Mr. CLARK. They leave in November.

Mr. McGUIRE. Then in your judgment, the pups of one year—that is, the pup born one year does not appear on the islands, at least in any considerable number until after the killing season of next year?

Mr. CLARK. That is right.

Mr. McGUIRE. Where are they, in your judgment?

Mr. CLARK. They are at sea. The mother separates from the pup on leaving the islands and the pup is weaned. The pups spend the winter in Bering Sea in efforts to learn to feed. They have to make the shift from a milk diet to a fish diet. They probably go away with the yearling bachelors and females, and learn to fish associating with them. They hang around in the vicinity of the Aleutian Islands in the latter part of the fall. The mother seals go down as far as Santa Barbara and return slowly. It is supposed that the yearling seals go no lower down than Cape Flattery, that they meet the returning herd there, and return part way with the older seals, but reach the islands later, about a month or two months behind the other seals. They reach the islands late and get to the rookeries only when the pups have begun to swim. That is in the months of August and September.

Mr. McGUIRE. The pups of that year?

Mr. CLARK. Yes. By the time of this return the pup is now a yearling, and the little animals with which he has been associating, the 2-year-olds, come to the hauling grounds, or breeding grounds. The yearlings themselves do not come there because they are timid and not anxious to get in among the older bachelors, which are rougher in their play. They hover around the edge of the rookeries, waiting until the pups have attained sufficient skill in swimming to be companionable.



Mr. McGUIRE. So that there is not any sexual development the first year, either on the part of the male or the female?

Mr. CLARK. No, I should not say so.

Mr. McGUIRE. Is that your experience, that the females do not go to the breeding grounds until they are 2 years old?

Mr. CLARK. That is right.

Mr. McGUIRE. That has been settled?

Mr. CLARK. Yes; that has been settled.

Mr. McGUIRE. So there are no yearling females which go to the breeding grounds?

Mr. CLARK. If they go, they go like the pups. They are immature and the bulls pay no attention to them, and the cows only snap at them and drive them away.

Mr. McGUIRE. If you are accurate in your conclusion that the pups do not return, there are very few of either the females or the males that return until late in the season?

Mr. CLARK. That is what I mean when I speak about their being among the pups and females after the killing season.

Mr. McGUIRE. And after the breeding season?

Mr. CLARK. Yes, and after the breeding season. The mothers and pups remain on the rookeries, without harem organization, all through the fall. The rookeries retain a semblance of their character.

Mr. McGUIRE. Have the bulls gone?

Mr. CLARK. The bulls have gone except for a few who come back and loiter around from force of habit.

Mr. McGUIRE. Those are the inactive bulls?

Mr. CLARK. Yes; some of the bulls are always on the rookeries, but the majority of them are resting in the sand hills. There is no fight left in them, and there is no trouble with them at all, and they have a good time for the rest of the season.

The CHAIRMAN. I believe the bulls stay there without eating or drinking for a long time?

Mr. CLARK. Yes; they do not eat or drink from the first arrival in May until their departure about the 1st of August.

I would say that nature makes a definite provision for that, because the bull is lined up with fat, inches deep under his skin, and he lives on that fat. When the bull leaves the rookery the 1st of August he is thin and lean as a rail. His skin is loose and he is hungry and lean.

Mr. McGUIRE. Now, I understood from your written statement to this Committee that you, as an expert, do not agree with the action of Congress in closing the season?

Mr. CLARK. I most emphatically disagree with that; yes.

Mr. McGUIRE. Have you any figures which represent your conclusions with respect to the loss to the Government, we will say, from the time we began the closed season up to 1915, up to and including 1915?

Mr. CLARK. I have estimated that there were 10,000 3-year old seals on the hauling grounds this year, that under a commercial killing would have been killed for their skins. That is a positive loss. I am unable to state definitely what would have been the quota in 1912 if it had been allowed. No quota was killed in 1912, but I think that because 2-year olds were killed in 1911, possibly not



very many 3-year-olds could have been killed in 1912 beyond what were taken for food, but in 1913 there was a full quota, and to that quota of 3-year-olds—

Mr. McGUIRE. Over and above the necessary males for breeding purposes?

Mr. CLARK. Yes, or at least 10,000 more than were taken.

Mr. McGUIRE. In other words, the Government could have taken 10,000 3-year-olds in 1913 without in any way interfering with the breeding and also to the benefit of the herd for the present and future, because of the natural loss resulting from fighting of increased numbers of breeding males which can not be active on account of the large number. I do not know that that question is as clear as it might be, but you probably understand what I want.

Mr. CLARK. The point is that these 10,000 animals go into the category of breeding bulls. They can not be killed next year nor the next. Between the age of 4 and 5 years they develop a tremendous growth of frame, and by the sixth year have a coarse mane, which renders the skin commercially, of no value. The 10,000 animals turned into the category of bulls will produce a dangerous overstock of breeding males.

Mr. McGUIRE. Do you think there was a loss of 10,000 3-year-olds last year that should have been killed?

Mr. CLARK. That is my opinion, that they should have been killed to the benefit of the herd and to the benefit of the Treasury as well.

Mr. McGUIRE. What would a 3-year-old hide be worth this year?

Mr. CLARK. I have had a number of clippings from the sale at St. Louis which mention a price of \$52 per skin. Whether they average that throughout I do not know. The choice skins—and the 3-year-olds would have been prime skins—brought \$52 per skin.

Mr. McGUIRE. It is safe to say they would have been worth \$50?

Mr. CLARK. I think so.

Mr. McGUIRE. What would have been the loss to the Government then, this year?

Mr. CLARK. I should say it was \$500,000.

Mr. McGUIRE. Do you state now the loss would be greater next year, under similar procedure?

Mr. CLARK. I think, by the natural increase of the herd, which would be about 15 per cent—

Mr. McGUIRE. And continue to be an increased loss until the policy is changed?

Mr. CLARK. Yes.

Mr. McGUIRE. How many seals were killed on the islands last year?

Mr. CLARK. None were killed under my observation in 1913, and I have not seen the complete list of food killings. I only know that about 2,400 skins were brought down with us in the ship.

The CHAIRMAN. But you do know that there were 400 skins taken there, do you not?

Mr. CLARK. I do know that.

The CHAIRMAN. You saw those?

Mr. CLARK. Yes.

Mr. McGUIRE. In addition to the 2,400?

The CHAIRMAN. They were taken in 1912, were they not?

Mr. CLARK. No; in 1913.

The CHAIRMAN. My impression was that 1,800 were taken in the fall of 1912 and 400 skins were taken in 1913, when you were up there.

Mr. CLARK. I have stated here that I did not see them killed. The 400 skins you refer to I believe were taken at a killing on July 7, before I landed on the islands.

The CHAIRMAN. That is the way the proposition stands. One thousand eight hundred were taken in the fall before, and the other 400 were taken before you went to the island last summer?

Mr. CLARK. I do not know as to that. I think more of them were killed early in June. I think that other killings were made before July 7.

Mr. McGUIRE. Were 400 skins all that were taken in 1913?

Mr. ELLIOTT. No; they were taken before we left.

Mr. CLARK. They could not take any after we left.

Mr. McGUIRE. You do not know how many were taken for commercial purposes and for food purposes in 1913?

Mr. CLARK. I know it was stated that there were 2,400 skins on board the ship coming down, and they were necessarily food skins; they were all food skins last year, and they were necessarily taken in the fall of 1912 or spring of 1913.

Mr. McGUIRE. In your judgment, that was 10,000 short of what it ought to have been?

Mr. CLARK. Yes.

Mr. McGUIRE. What, in your judgment, would be an economical and proper killing of the Government on the islands for food purposes alone to feed 300 natives?

Mr. CLARK. A fur seal dresses about 25 pounds of meat. There are 300 people on the islands, and 5,000 fur-seal carcasses would allow a little over 1 pound of meat a day to each of the natives. The natives in that country are, of course, heavy meat eaters, and therefore 1 pound of meat a day would be nothing but a taste for them. I fixed, in my recommendation to the department, 5,000 as the minimum that could be taken as an interpretation of a food killing. Then I called attention to the *modus vivendi* provision in which Great Britain agreed that 7,500 was a normal killing for food for the same population. I believe that 7,500 seals should have been taken for the food of the natives.

Mr. McGUIRE. Assume that 10,000 seals should have been taken last year that were not taken. If that had been done, could the natives have utilized the meat as food?

Mr. CLARK. I think they could.

Mr. McGUIRE. And you say we are now buying canned meats and sending them up there?

Mr. CLARK. Yes.

Mr. McGUIRE. That is an expense which would have been saved had we killed the 10,000?

Mr. CLARK. Yes.

Mr. McGUIRE. I understood you to say that the foxes were diminishing because they were starving. If we had killed the 10,000 seals, could that meat have been utilized to feed the foxes and sustain a greater number of foxes than what we have now?

Mr. CLARK. Yes, sir.

(Thereupon, at 4 o'clock p. m., the committee adjourned to meet at 10.30 o'clock a. m. Monday, Feb. 23, 1914.)

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EXPENDITURES  
IN THE DEPARTMENT OF COMMERCE,  
*Monday, February 23, 1914.*

The committee met at 10.45 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

The CHAIRMAN. Mr. McGuire, you may proceed with your examination.

**TESTIMONY OF MR. GEORGE A. CLARK—Continued.**

MR. MCGUIRE. Mr. Clark, what do you mean by the London weights and charts?

MR. CLARK. Well, in 1896 and 1897 when the two commissions were at work on the Pribilof Islands, we were under the necessity of getting all the light we could about the sizes and ages of the animals and we found that in volume 8 of the Paris Tribunal of Arbitration, I believe it is, at page 917, there is a classification of animals by weight and also by measurement, interpreting in weights and measurements the trade designations used in London. We found that a "small pup," for example, was given a skin weight of 6 pounds and 2 ounces, and an "extra small pup" was given a skin weight of 4 pounds 15 ounces. That was in the British case, and therefore it was a British piece of information. We agreed, however, in a rough way, that those two categories, the "small pups" and "extra small pups," represented animals of 2 years and 1 year of age. That is, the 6 pounds and 2 ounces was not very greatly above Mr. Elliott's average weight for the 2-year-olds of  $5\frac{1}{2}$  pounds, and the London weight of 4 pounds 15 ounces was not very much above the average weight given by Mr. Elliott for the yearling skin of  $4\frac{1}{2}$  pounds. In other words, we accepted his rough designation of the small pups and extra small pups.

MR. MCGUIRE. When was that?

MR. CLARK. In 1896, when that matter came to my attention, and at that time I got it rather firmly in my mind that a London small pup was, roughly speaking, a 2-year-old and an extra small pup, roughly speaking, was a yearling.

MR. MCGUIRE. Do you retain that same opinion still?

MR. CLARK. No; I do not.

MR. MCGUIRE. Why?

MR. CLARK. Because of the added light which has come in the course of years of study since then. For example, in 1910 the London dealers supplied to the Department of Commerce a classification of the catch of 1910. That was published in one of the earlier hearings before this committee and came to my attention perhaps in the year 1911. I studied it and found, for example, that in it were listed small pups, 4,899 of them, with a skin weight of 5 pounds 12 ounces.

MR. MCGUIRE. When was that?

MR. CLARK. That was in——

MR. MCGUIRE (interposing). 1911?

MR. CLARK. 1911, when I first saw this list. Now, there were 501 animals also listed as small pups, with a skin weight of 5 pounds 9 ounces. Then there were 421 small pups with a skin weight of 5 pounds and 6 ounces; 290 with a skin weight of 5 pounds 11 ounces.

Those were all "small pups," and those weights are all below the weight of the small pups in 1893. That was the first thing that struck me in this designation. If you average these weights the average is 5 pounds 9½ ounces, so that in this 1910 interpretation of the London trade designations the average weight of skin was given as 5 pounds 9½ ounces, whereas in the previous one it had been 6 pounds 2 ounces. Now, in that same 1910 list there were "extra small pups" designated; 1,266 of them were given a weight of 5 pounds 5 ounces and——

The CHAIRMAN (interposing). Where was this weight given?

Mr. CLARK. It is given in the early hearings. It is republished at page 130 of this book, for example [indicating hearings No. 1, 63d Cong.].

The CHAIRMAN. I know, but were these weights recorded anywhere?

Mr. CLARK. They were recorded in the hearings and, I believe, published over and over again.

Mr. ELLIOTT. A large per cent of them.

The CHAIRMAN. Wait a minute. I am going to ask him where those recorded weights come from simply to clear it up. Were they taken from the records of the Bureau of Fisheries?

Mr. CLARK. My only information is from the hearing, which says that this category is "Assortment of Alaska salted fur-seal skins for account of United States Government, Department of Commerce and Labor." It is headed "C. M. Lampson & Co., London, November 19, 1910." But 1,266 of these were extra small pups, and they weighed 5 pounds 5 ounces; 88 of them weighed 5 pounds even, and 75 weighed 5 pounds 3 ounces. Then a lot of 81 which were noted as extra-extra small pups were given a skin weight of 4 pounds 15 ounces—no, I beg your pardon. These 81 animals were extra small pups, just the same, and were given a weight of 4 pounds 15 ounces. Now, if you average those four categories of the extra small pups you get 5 pounds 1¾ ounces as against 4 pounds 15 ounces of the 1893 schedule. Then there was left in the category of the 1910 skins 11 skins at a weight of 4 pounds 10 ounces. That, of course, threw my views regarding the London weights into some confusion, but following that there came the investigation of 1912, in which we studied the effect of salting on sealskins, and in that year we found that sealskins decreased in salt. For 205 skins which we treated, they decreased 6.4 ounces per skin. Now, that, of course, jarred my knowledge of the weights entirely, because it forced me to add to the London weights an appreciable amount which would bring them all above the minimum fixed in the regulations of 5 pounds. But, of course, I am not able to measure exactly what that correction would be back in past times. It meant this to me: If you take the London weights at all you must add to them a considerable weight for depreciation in skins through salting. Therefore the London weights are normally less than what we would expect the London weights to be.

Mr. STEPHENS. Are you well acquainted with the green weights and salted weights?

Mr. CLARK. To the extent that I have seen a great many taken and salted, and then I studied 205 skins that were taken, measured

and treated, in common with Mr. Marsh and Mr. Lembkey, to determine the action of salt on the skin.

Mr. STEPHENS. Now, can you give us the percentage basis of decrease between a green hide and a salted dry hide?

Mr. CLARK. Exactly?

Mr. STEPHENS. Yes; if we get that I presume we can arrive at the same relative difference between the small hide and the large hide.

Mr. CLARK. We took the 205 green skins and averaged them, and that average was 5 pounds 9 ounces. That is, the 205 skins averaged 5 pounds 9 ounces in a green state, and after they had been salted from 7 days to 15 days we weighed them again and they averaged 5 pounds 5 ounces.

In my cross-examination, at the beginning there, I did not make myself clear, and perhaps did not state myself correctly, because, you see, there are several factors entering into my knowledge. I am glad to have this opportunity of making this explanation of the London weights, and I wish my statements to be based upon it rather than upon answers to questions which I was under the necessity of answering hastily and categorically at the beginning of the examination.

The CHAIRMAN. You testified on Saturday that only 711 yearlings were taken since 1904, did you not?

Mr. CLARK. I testified that there were 711 skins out of 93,323 which were below the regulation weight of 5 pounds, and which might possibly be interpreted as yearlings.

The CHAIRMAN. Then I asked you whether extra small pups were yearlings, and you said yes.

Mr. CLARK. I want to——

The CHAIRMAN (interposing). Now, did you say that in the notes?

Mr. CLARK. Could I see what I said there? Is it possible for me to see what I said there?

The CHAIRMAN. Did you not say that extra small pups were yearlings?

Mr. CLARK. I said that in 1896 and 1897 I thought they were yearlings.

Mr. McGUIRE. That is what I think he said, Mr. Chairman.

The CHAIRMAN. Now, do you mean to say that you did not answer this affirmatively when I asked you and you said extra small pups must be yearlings?

Mr. CLARK. Well, for 12 years I thought they were.

The CHAIRMAN. Did you think so on Saturday when I asked you?

Mr. CLARK. No; as a matter of fact, I did not.

The CHAIRMAN. Do you remember that I told you that according to these extra small pups the Government did not collect money enough if they were 2-year-olds, because for the 2-year-olds they collected \$54 for a skin and for the extra small pups they collected \$28, and that the Government must have made a mistake if the skins are of the same size? That is the question I put to you on Saturday, and then you said the extra small pups were yearling seals. Do you remember that now?

Mr. CLARK. Well, I said here——

The CHAIRMAN (interposing). Do you mean to say——

Mr. CLARK (continuing). That for 12 years or more I was under the impression that an extra small pup was a yearling, and I did not get

time to explain, and you will remember that I asked for permission to take up this question and develop it, as I did this morning. If you give me an opportunity to show that I had changed my impression——

Mr. McGUIRE (interposing). You will remember, Mr. Chairman, that you told him he could return to that.

The CHAIRMEN. Yes; and then I told you that Lembkey, under oath, stated that in 1910, 1,528 small pups were taken, and he had admitted that they were yearlings. Did I not ask you that?

Mr. CLARK. I also protested——

The CHAIRMAN (interposing). Now, did I ask you that?

Mr. CLARK. I could not say positively whether that is the wording of the question you asked me.

The CHAIRMAN. Is it not a fact that since 1904 over 10,000 extra small pups have been taken by this sealing company while they were under the supervision of the Government agents?

Mr. CLARK. I do not know about that at all.

The CHAIRMAN. Now, let us get back to this proposition. Here the extra small pups, according to the London sales in 1910, brought \$23.50 a skin, and the others \$54 a skin. Why did not the Government collect \$54 for all of the skins if they were of one size?

Mr. CLARK. That should be asked of the Bureau of Fisheries. I am not an expert on the London sales. I had nothing to do with them.

The CHAIRMAN. But this being the case and that being the record, do you still want to say that the small pups and extra small pups were 2-year-olds?

Mr. CLARK. I want to say now positively that as a result of the experiments in salting the skins I believe that not one of the animals in the category of extra small pups, as brought out in the London schedule of 1893 and of 1910, were yearlings, and I want to add one point right here, that in the year 1913 it was demonstrated to me for the first time that yearlings did not come on the hauling grounds, and therefore it does not make any difference about the London weights; they could not have been killed in the numbers you mention.

The CHAIRMAN. If hearing No. 10 is there I wish you would take it and turn to page 553.

Mr. CLARK. What paragraph is that?

The CHAIRMAN. Dr. Evermann was on the stand and was discussing and exhibiting certain sealskins which he had brought before the committee. You will find it in Nos. 7, 8, and 9.

Mr. CLARK. Nos. 7, 8, and 9? What does that refer to?

The CHAIRMAN. The numbers are on the page.

Mr. CLARK. I have page 553.

Mr. ELLIOTT [indicating]. It commences right there.

The CHAIRMAN. Now, let me read a few paragraphs. This is by Dr. Evermann while the skins were before the committee. (Reading:)

No. 7. The sealskin measures  $35\frac{1}{2}$  inches long. The seal itself was 41 inches long. The skin weighed 4 pounds  $9\frac{1}{2}$  ounces. That was called a yearling.

No. 8. The seal itself measured  $39\frac{1}{2}$  inches. The skin measures 33 inches and weighs 4 pounds  $3\frac{1}{2}$  ounces. That seal was found dead and was regarded by agents and natives as a runt yearling.

No. 9. The skin is 34 inches long. The seal measured  $39\frac{1}{2}$  inches. The skin weighs 3 pounds 15 ounces. That also was regarded as a yearling.

Do you dispute this statement?

Mr. CLARK. This is not my statement, you know.



The CHAIRMAN. Well, is this correct in the light of the testimony you have just submitted?

Mr. CLARK. I do not see anything wrong with it, that is, skins below 5 pounds I have been willing to admit were the skins of yearlings. I would say that this is correct according to that view.

The CHAIRMAN. Then if these skins were taken and submitted under a sworn statement as yearlings, this is a proper standard, is it not?

Mr. CLARK. I do not know anything about the standard. You will remember that I did not see the skins and the person giving this testimony is the one who should explain it.

The CHAIRMAN. I am asking you to say whether you would adhere to it as he submitted it now in the light of this sworn statement on the part of Dr. Evermann.

Mr. CLARK. I do not see any conflict, when I said I was willing to admit that a skin that was below 5 pounds might be that of a yearling. I do not see why that does not cover this case, because these animals were all below 5 pounds, and I would be willing to accept Dr. Evermann on that.

The CHAIRMAN. That these are the sizes and weights of yearlings?

Mr. CLARK. No; but I admit that animals below 5 pounds may be yearlings. I want to show you in a moment that you can not depend on the sizes of skins. I have a whole batch of skin measurements that will show you that there is just as much difference between fur seals of different ages as there is between children and men and other animals.

The CHAIRMAN. If you want to submit that as a comparison, we will take it for what it is worth, but now my recollection is that Mr. Lembkey verifies these conclusions as submitted by Dr. Evermann in the hearings.

Mr. ELLIOTT. Yes.

Mr. CLARK. Then I ask that Mr. Lembkey and Dr. Evermann elucidate these points to the committee rather than myself.

The CHAIRMAN. But if they say this is a correct statement, will you then change your opinion?

Mr. CLARK. I do not think I will.

The CHAIRMAN. Are you sure about that? You are an expert? You ought to know. Experts have a right to answer hypothetical questions.

Mr. CLARK. Is the hypothetical question this: That if the statement here is that these animals whose skins are under the weight of 5 pounds are yearlings, do I agree to that or disagree from it? Is that the question?

The CHAIRMAN. If these measurements and weights are correct, with the sworn statement of the special agent on the islands, and Dr. Evermann bringing it before the committee, then do you still adhere to the opinion just expressed about yearlings and small pups and extra small pups?

Mr. CLARK. I do not see any disagreement between them.

The CHAIRMAN. You do not?

Mr. CLARK. No.

The CHAIRMAN. Will you take this table of figures and examine it? Here is one more, Mr. Patton.

Mr. PATTON. Is this the same as the other?

Mr. ELLIOTT. Yes; that is the same.



The CHAIRMAN. That is the same as what he has. There is a general table, but we will get along with this.

Mr. ELLIOTT. That is the segregation table.

The CHAIRMAN. You were on the islands last summer?

Mr. CLARK. Yes, sir; I was.

The CHAIRMAN. You were there when 400 of the small skins were examined and measured and weighed?

Mr. CLARK. Yes.

The CHAIRMAN. They were measured and weighed by Gallagher and Elliott in your presence?

Mr. CLARK. Mr. Elliott took the measurements and Mr. Hatton weighed them.

Mr. ELLIOTT. Hatton took the measurements.

The CHAIRMAN. Well, that does not matter.

Mr. ELLIOTT. Well, I want to get it straight.

Mr. CLARK. And Mr. Gallagher and myself made the record and took the notes.

The CHAIRMAN. Now, you have a tabulated statement before you which has numbers accompanying the lengths and weights. For instance, the first one there is No. 4623, length 32 inches, weight 5 pounds 11 $\frac{3}{4}$  ounces. Was that a 2-year-old?

Mr. CLARK. In order to answer that question I must have the breadth measurement of that skin. I do not find it in this list.

Mr. ELLIOTT. You have the weight.

The CHAIRMAN. One moment, now. Do you have the breadth measurement?

Mr. CLARK. I do not.

The CHAIRMAN. Did you take it?

Mr. CLARK. No, sir.

The CHAIRMAN. Why didn't you?

Mr. CLARK. Because I was prevented from doing it by Mr. Henry W. Elliott.

Mr. ELLIOTT. Not at all.

The CHAIRMAN. One moment, Mr. Elliott. Will you just wait until I get through with him? You take No. 4275. There is a 32-inch skin weighing 8 pounds 7 $\frac{1}{4}$  ounces. What caused this discrepancy and difference in the weight? It is nearly 3 pounds.

Mr. CLARK. It is due exactly to the fact that there is left out the breadth measurement of that skin. You can not determine the size of a skin from the length. But if you had the breadth measurement you would find that one 32-inch skin was short and broad and the other was narrow.

The CHAIRMAN. Now, Mr. Clark, if the skins should be measured afterwards and it is found that the girth is the same, then what would your answer be?

Mr. CLARK. It is possible——

The CHAIRMAN (interposing). The skins have been set aside and they will be measured if necessary so as to verify your conclusions. Now, what caused this difference of nearly 3 pounds?

Mr. CLARK. On the face of it I would say that it is simply due to the absence of breadth measurement of this skin, which fails to disclose the size of the skin. In other words, the area of these two skins might be exactly the same. This one of 8 pounds and 7 ounces might be 4 inches broader, for example, than the one which has a weight

of 5 pounds 11 ounces, and in that case the skin would be of a greater area and therefore would have a right to weigh a greater amount.

The CHAIRMAN. Now, Mr. Clark, I am going to caution you in your testimony. You are sworn before this committee, and the girths of those animals will be taken. If you are so positive that that is the fact, is it not a fact that these skins were blubbered and that caused the difference in the weights?

Mr. CLARK. I closely inspected these skins as they passed before me and I was not aware that they were heavily blubbered or unusually blubbered at all. I did not know what the object of that experiment was, and I did not make a specific diagnosis of that particular phase of it, but these particular skins passed before us and nothing unusual was found by Mr. Whitney, Mr. Hatton, and myself.

The CHAIRMAN. Do you want to swear now that the blubber did not cause this condition?

Mr. CLARK. I can not swear to that unless you show me the girth measurement of this skin.

The CHAIRMAN. You had the skins before you?

Mr. CLARK. I was not permitted to measure them.

The CHAIRMAN. Did you not have the skins before you?

Mr. CLARK. Yes; lying on the table.

The CHAIRMAN. And each one of them was before you and you were asked to look at them and verify them?

Mr. CLARK. Yes.

The CHAIRMAN. You were asked to verify the statements of Gallagher and Elliott?

Mr. CLARK. Yes; but I was not permitted to get the breadth; I was not permitted to take the breadth measurement.

Mr. ELLIOTT. That is not in the record. That is false.

Mr. PATTON. I do not think one witness ought to be permitted to sit back here and tell another witness this testimony is false.

Mr. ELLIOTT. Well, he has drawn me into it.

The CHAIRMAN. One moment, Mr. Elliott, until you are permitted to speak.

Mr. ELLIOTT. Well, all right.

The CHAIRMAN. Now, take skin No. 6, No. 4246, that measured 31 inches, and weighed 5 pounds 15 $\frac{3}{4}$  ounces; then you take No. 7 skin, No. 4242, another skin measuring 31 inches weighing 4 pounds 5 $\frac{1}{4}$  ounces. This is all due to the blubber that was on these skins and is on them now, is it not?

Mr. CLARK. I do not know anything of the kind, Mr. Rothermel.

The CHAIRMAN. Now, Mr. Clark, you saw the skins and they were passed to you for inspection, were they not?

Mr. CLARK. No, sir; I was told that I must not interfere with this experiment.

The CHAIRMAN. Were they passed to you for inspection?

Mr. CLARK. I was permitted to look at them.

Mr. ELLIOTT. The same as I was.

The CHAIRMAN. One moment, Mr. Elliott.

Mr. STEPHENS. I think we had better separate these witnesses.

Mr. ELLIOTT. No; I will be good, but my name must not be quoted.

Mr. CLARK. Of course, I presume that these figures here were made by Messrs. Elliott and Gallagher.

Mr. ELLIOTT. Elliott and yourself.

The CHAIRMAN. I find No. 4658, a 31½-inch skin, weights 8 pounds 9½ ounces. How do you reconcile that with No. 4244, 32-inch skin that weighs 4 pounds 3¼ ounces?

Mr. CLARK. For instance, No. 4658 might be found to have a breadth measurement of 30 inches whereas the other had 22 inches, and that would make all the difference that is necessary. And from my point of view the difference between these skins is one that is due to the larger size of the skin that weighed more heavily, but that fact is obscured by the absence of the breadth measurement of the skin.

The CHAIRMAN. Why did you not take the breadth measurement of the skin?

Mr. CLARK. I have told you that I was not allowed to do so. I asked the privilege of doing it after asking Mr. Elliott failed to do so.

The CHAIRMAN. Well, you had the privilege of examining them and measurement belonged to the examination of them.

Mr. CLARK. I was told that if I did that, if I insisted upon it—it would mean interference with an experiment that was exclusively his and not mine. I was made to understand that I was there to look on and I had to keep still.

The CHAIRMAN. So you did not get the breadth measurements at all?

Mr. CLARK. No; you will find that statement made in Mr. Elliott's manifesto.

Mr. STEPHENS. I would like to ask who was present at that time.

The CHAIRMAN. All right.

Mr. STEPHENS. Give the names of the men.

Mr. CLARK. They are all given in the record. There was Mr. Philip Hatton, the agent and caretaker on St. Paul, and Mr. Whitney, the school teacher on St. Paul, and Messrs. Elliott and Gallagher.

The CHAIRMAN. This is reported at page 101 of the report of Gallagher and Elliott, being page 123 of hearing No. 1 of this session:

Order of procedure in salt house, village of St. Paul, July 29, 1913, which will be followed on the occasion of taking the measurements and salt-cured weights of a series of 400 fur-seal skins, secured July 7, 1913, on St. Paul Island.

Said measurements and weights are to be taken by special agents of House Committee on Expenditures in the Department of Commerce, Messrs. Henry W. Elliott and A. F. Gallagher, publicly, in the salt house of the Government July 29, 1913.

First. An interpreter will ask the native sealers to elect four or five of their number to salt and bundle these skins for shipment, as being the men most experienced, and best workers in salting and bundling sealskins, in the community.

Is that correct?

Mr. CLARK. Yes, sir; the men chosen were competent.

The CHAIRMAN (reading):

Second. These men are to "spread" these skins aforesaid (and which are duly tagged and numbered with their "green" weights, as taken July 7 last) upon a salter's bench for measurement, one by one, as they are asked to do so by the agents above named.

Is that correct?

Mr. CLARK. That is correct. Note that it is the agents "above named" that were to do it.

The CHAIRMAN. Yes. (Reading):

Third. When those agents have measured them for length, one by one, then those native salters shall proceed to salt and "bundle" these skins (in bundles of 2 skins each) precisely as they have done that work in 1889, under the direction of the agents of the A. C. Co., and since that date under the direction of the agents of the N. A. C. Co. up to 1909. This work of salting and bundling to be done by those native salters

aforesaid, without any suggestion or interference from or by anyone during the progress of their work to its finish.

Is that correct?

Mr. CLARK. That is correct, and I want to call attention to that last statement, "Without any suggestion or interference from or by anyone during the progress of their work to its finish."

The CHAIRMAN. Yes; either Elliott, Gallagher, you or the rest.

Mr. CLARK. But it was applied to me.

Mr. ELLIOTT. Yes.

The CHAIRMAN. No; it was not to interfere with the natives.

Mr. CLARK. Well, it was interpreted the other way.

The CHAIRMAN. Well, that is plain enough for anybody to understand. (Reading):

Fourth. When each bundle of two tagged salt skins is duly made by those salters, it will then be weighed and numbered, with that weight duly recorded and publicly announced by said agents at the time of such record and entry.

Was announcement made like that?

Mr. CLARK. Yes, sir.

The CHAIRMAN (reading):

A copy of the above order of procedure having been duly given to the agents of Bureau of Fisheries in charge of St. Paul Island, Monday evening, July 28, 1913, on Tuesday morning at 9 o'clock following the salt house was opened and the work as above ordered was carried out to the letter; it was finished at 6 p. m.

Is that correct?

Mr. CLARK. That is correct.

The CHAIRMAN (reading):

The following results were obtained, the measurements and weights being all simultaneously made by Messrs. Elliott and Gallagher for the committee, and Messrs. Hatton and Clark and Whitney for the Bureau of Fisheries; every figure of weight and measurement being called out at the time it was recorded and made, and agreed to then and there by all parties engaged. Mr. Hatton, for the Bureau of Fisheries, verified every measurement with Mr. Elliott, and agreed upon the same as they were recorded; Mr. Clark and Mr. Whitney, for Fisheries Bureau, verified every weight with Mr. Gallagher, and agreed upon the same as they were recorded. The following table of recorded salt weights and measurements has been therefore made in complete agreement with the officials in charge of the island, they having a copy of it as it was made on the salter's bench.

Did they give you a copy?

Mr. CLARK. I made my own copy.

The CHAIRMAN. But did they give you a copy?

Mr. CLARK. No.

Mr. ELLIOTT. He made it right with us.

The CHAIRMAN. Oh, you made your copy while this was going on?

Mr. CLARK. Yes.

Mr. ELLIOTT. Yes; it was simultaneous. We made ours at the same time.

The CHAIRMAN (reading):

The natives selected nine of their best men, who took turns in salting and bundling the skins. No one spoke to them as they did this work, or made a suggestion even as to how they should prepare these skins for shipment in salt.

Each skin has a leather tag strung to it by one of the other of its flipper holes; on this tag is the number stamped indelibly and so identifies it in the bundles as recorded.

Now, that is all correct, is it not?

Mr. CLARK. All correct.

The CHAIRMAN. Then why did you try to impress the committee with the fact that you were not given the chance to make this examination?

Mr. CLARK. I want to say right here that I have no fault with these figures as they stand, but there are two vital points left out. One of them is the breadth of skin——

The CHAIRMAN (interposing). Now, Mr. Clark, we can verify your conclusions because these skins are snugly tied away.

Mr. CLARK. Have they been undisturbed since they were taken away from the islands?

The CHAIRMAN. Yes, sir; they are in the custody of the Government.

Mr. CLARK. How were those skins recognized?

The CHAIRMAN. They were recognized by tags that were put on and the Government has separated them from the rest, and they are intact as they came from the islands. Now, I want to caution you right here that when it comes to your expressing an opinion to this committee to impress us with the truth of the taking of these skins that they are in such a position that your conclusions can be verified and will be verified, and I do this as a matter of precaution to you.

Mr. CLARK. And I wish to make this statement: When these bundles were made up I called Mr. Elliott's attention to the fact that in the bundling the leather tags were wrapped in. I said, "Would it not be well for us to tag these bundles with a number, 1, 2, 3, and 4?" He said, "No; the leather tags will be sufficient;" and they were wrapped in so that they would not be broken off. In order to find those leather numbers you would have to open every single bundle.

The CHAIRMAN. They have been opened and examined and placed back exactly where they belong, and the Bureau of Fisheries was represented.

Mr. CLARK. You could not make me believe that the skins could be opened and rebundled by amateurs or by anybody but the man who bundled them on the island.

The CHAIRMAN. It is not a question of whether they can bundle them. I am telling you that the skins are intact and can be identified. I do it as a matter of precaution, when you want to tell this committee that it is a case of girth between these skins that I have pointed out to you, when there is a difference of half an inch in size and 3 pounds in weight, that that is not due to the blubber that is on them.

Mr. CLARK. I want to say that when you say "size" you mean "length." But length does not mean size. That is what I protest against here and what I protested against there, that you must have the breadth in order to get the size, and the length does not give the size.

The CHAIRMAN. I understand you perfectly. I have heard from other sources that you would come before this committee and claim that to be the fact.

Mr. CLARK. Yes; I told Mr. Elliott so.

Mr. ELLIOTT. You did not tell me so on the islands.

The CHAIRMAN. And I wish to make this statement here and now: That there is complaint in all of the committees here in Congress that you can not get witnesses to come and be straightforward and frank.

Mr. McGUIRE. Don't ——

The CHAIRMAN (continuing). And I do this to caution the witness. One day ——

Mr. PATTON (interposing). Mr. Chairman ——

The CHAIRMAN (continuing). One day they come—and it is my experience and the experience of other Members of the House—and make one statement and the next day they come back and change it. There are remedies here for that ——

Mr. PATTON (interposing). Mr. Chairman ——

The CHAIRMAN (continuing). And I want to make this statement as a matter of precaution. Here is a witness who distinctly and absolutely stated on Saturday that extra small pups were yearlings. When he is confronted with the facts and finds that in one year there were 1,528 taken instead of 711 since 1904, he comes with what was agreed upon before some tribunal or some commission and says that he was mistaken.

Mr. McGUIRE. Mr. Chairman, you understand that is a statement of the Chair. I do not agree with the Chair at all as to what the witness has testified with respect to that matter, and it is just as plain in my memory as the letters of the alphabet that when the Chair was somewhat persistent with the witness and wanted a direct answer, that the witness said he would like to explain fully, and the Chair told him that he would have that opportunity later. This morning it was my purpose in my interrogations to give the witness an opportunity to explain fully as a scientific man. I suppose the witness is willing to take all responsibilities for this testimony. I have seen nothing in his testimony so far to which exception ought to be taken.

The CHAIRMAN. It must not be overlooked that the question of killing yearling seals on the part of the sealing company and on the part of the special agents of the Government goes to the very marrow of the matters which are involved here, and are material. It is not merely a question of damages which the Government ought to collect if these violations of the law were committed; not only should there be damages collected, but men ought to be punished if they were guilty parties to any such transaction.

Mr. PATTON. Mr. Chairman, I think that that is a matter for argument before the House of Representatives. I doubt the advisability or the propriety of lecturing any witness.

The CHAIRMAN. I am calling attention to this fact because these men are before this committee, and I do it to impress them that it can not be said afterwards: "Oh, well, I overlooked that; it was but an error of judgment."

Mr. McGUIRE. Well, I do not agree with the chairman at all.

Mr. PATTON. You make a statement that you have heard certain things about witnesses coming before committees and not giving correct testimony. Do you mean to insinuate that witnesses come here and deliberately tell untruths to other committees?

The CHAIRMAN. I mean that there is a general complaint of that kind.

Mr. PATTON. That may be, but where it is hard to get evidence I do not think it is right to insinuate that a witness comes here and gives incorrect testimony. I know if I were a witness I would not be a witness before this committee under the present way of conducting it, with a man coming in and breaking in on the testimony.



The CHAIRMAN. Well, nobody is breaking in.

Mr. PATTON. I know you do not but Elliott does right along, and I would not stand for it and I know you would not either.

The CHAIRMAN. There is no harm done by that. I am merely cautioning the witness.

Mr. PATTON. Well, you have a perfect right to caution the witness.

The CHAIRMAN. Mr. Clark, I have been asked to submit this to you as an expert:

Dr. Jordan's men record the presence of yearlings on the hauling grounds when they first land, July 11, and every day during the season, thereafter, and so officially report to wit:

ST. PAULS ISLAND, *Saturday, August 1, 1896.*

Dr. Jordan, assisted by the natives \* \* \* drove up part of one and two year old seals from the Reef Rookery; they were examined with a view to determining whether or not yearling seals were to be found among these young bachelors. It is now conceded that yearling females do not haul out on the rookeries but among the holluschickie. (Official Journal Government Agent, St. Pauls Island, Alaska, p. 465.)

*July 11.*—Zapadnie Rookery, St. George Island: The yearling bachelors are to be seen in little pods of a half a dozen or so. \* \* \* Where the bachelor yearlings are at a distance from interference, they play among themselves like little dogs. \* \* \* Similar comparisons might be made for the 2-year-olds, which are bigger than the yearlings, nearly as large as the cows. (Fur Seal Investigations, pt. 2, 1898, p. 300.)

*July 13.*—Ketavie Rookery, St. Pauls Island: The cows are almost as cowardly as the yearling bachelors \* \* \* (p. 302.)

*July 13.*—Ardignen Rookery, St. Pauls Island: On Ardignen, one unlucky yearling male is seen to invade a harem, and get routed out by the hoarse and furious old bull \* \* \* (p. 302).

*July 15.*—Lukannon Rookery, St. Pauls Island: On Lukannon was seen a little cow, apparently a 2-year-old, with features of a yearling, and slender \* \* \* (p. 314).

*July 16.*—Northeast Point Rookery, St. Pauls Island: It appeared to be a large yearling, just getting its permanent teeth (p. 316).

*July 16.*—Reef Rookery, St. Pauls Island: These are apparently virgin 2-year-olds \* \* \* small side of the big bull (p. 319).

Do you know anything about that? Is that a correct statement?

Mr. CLARK. I would like to reply to that by referring this committee to page 180 of this document. Will you please follow me in that? It is stated on page 180 of the last hearings: "Dr. Jordan also knew that the yearlings hauled out males and females together, and that they could not be told apart as to sex by outward survey unless caught and handled. He is officially recorded as follows in that connection:

ST. PAULS ISLAND, *Saturday, August 1, 1896.*

Dr. Jordan, assisted by the natives \* \* \* drove up pod of one and two year old seals from the Reef Rookery; they were examined with a view to determining whether or not yearling seals were to be found among these young bachelors. It is now conceded that yearling females do not haul out on the rookeries, but among the holluschickie. (Official Journal Government agent, St. Pauls Island, Alaska, p. 465.)

Now, the author of that is not given here. This is not Dr. Jordan's record, but on page 364 of volume 2 of Dr. Jordan's report of 1896 and 1897 I want to read this record, which is Dr. Jordan's record.

The CHAIRMAN. That is in this connection?

Mr. CLARK. Yes, sir. He says:

Appollon, the chief, and his men rounded up a pod of holostiaki from the hauling ground of Reef Rookery. There are some half-bulls among the lot but the majority are apparently yearlings. One by one they are noosed and drawn out of the lot. While two Aleuts with their clubs control the head of the seal, another seizes it by the hind flipper and turns it upon its back, thus permitting perfect identification as to sex. \* \* \*



\* \* \* One after another the little fellows are draw off until 23 have been examined. They are all plainly holostiaki—yearlings.

That is, yearling bachelors.

A few yet remain but their size and the presence of the wig sufficiently indicate their sex and they are released.

Now, this is what I want you to note:

It may safely be inferred that no virgin females are among the bachelors on the Reef.

That is the official record made by Dr. Jordan. Those statements are absolute contradictions. Here you have a man who was not present at the experiment recording something in his log, with which he had no connection; and here you have the record of the man himself making the test which is diametrically opposite.

Mr. McGUIRE. Do you know who made that record?

Mr. CLARK. No; I do not, but I know that Joseph B. Crowley was in charge.

The CHAIRMAN. How about the recording of yearlings?

Mr. CLARK. This is August——

The CHAIRMAN (interposing). That is the point about it.

Mr. CLARK. It is not the point. In one case it is alleged that it is conceded that females are on the hauling grounds and in the other case it is inferred that females are not on the hauling grounds. It is not the killing season in August; the killing season is over.

The CHAIRMAN. Now, yearlings do not come in until August. That is your statement is it not?

Mr. CLARK. They begin to come in about that time, but only in small numbers then.

The CHAIRMAN. What would you say of the 11th of August?

Mr. CLARK. No; I would say any time after the 1st of August, and and we found here about 23 animals out of a considerable pod of them; I do not know how many.

The CHAIRMAN. Here is a statement from the Official Journal:

[P. 229: Official Journal, Government Agent, St. Paul Island, 1890]

*Wednesday, June 18, 1890.*—Made a drive from Tolstoi and Middle Hill; killed 274. Turned away 19 half-grown bulls; as many yearlings as choice seals; killed (i. e., 274), and half as many 2-year-olds as yearlings were allowed to return to the sea. This is a fair average of the work so far this season. (Chas. J. Goff, U. S. chief special agent in charge seal islands.)

So that they were there already in large numbers on June 18, if this is correct. This is taken from the Official Journal.

Mr. CLARK. It is the statement of Mr. Goff; not my statement or that of Dr. Jordan.

The CHAIRMAN. Would you question the truth of it?

Mr. CLARK. I have no reason to question the truth of it.

The CHAIRMAN. Then you must be mistaken if they do not come until August. How about that?

Mr. CLARK. Perhaps I ought to have qualified that and said that they did not, so far as we knew. I am speaking from my own observation, of course. I want that understood.

The CHAIRMAN (reading):

*Monday, June 23, 1890.*—(p. 231.) The N. A. C. Co. made a drive from Tolstoi and Middle Hill, killing 521 seals. Seventy-five per cent of the seals driven to the

village were turned back into the sea, 10 per cent of these were 2-year-olds, balance yearlings. (C. J. Goff.)

Do you think that is a correct statement?

MR. CLARK. I have no means of knowing whether it is correct or not. I was not there in 1890.

THE CHAIRMAN. Do these seals come earlier and later in various seasons in different years?

MR. CLARK. We did not find it so.

THE CHAIRMAN (reading):

*Tuesday, June 24, 1890.*—(p. 231.) N. A. C. Co. made a drive from Reef and Tolstoi, and killed 426 seals; about 65 per cent of this drive was turned back into the sea; about all of these were yearlings. (C. J. Goff.)

MR. CLARK. Mr. Rothermel, you should bring up this man and let him show how he knew they were yearlings. I say no one could swear to a yearling until he saw the branded animal. I could not. I want to say this with reference to the animals we saw in 1896 and 1897: That we carried out the ideas of the people on the island who looked upon the very smallest seals they saw as yearlings, and that is what we meant in the reports in those early days.

MR. PATTON. What was the weight at which a seal was considered a yearling at that time; 6 pounds?

MR. CLARK. No; they were not allowed to take seals under 6 pounds in 1896, and, of course, that protected also the 2-year-olds.

MR. PATTON. Those were the ones that were turned back?

MR. CLARK. Yes, sir.

MR. PATTON. Under 6 pounds?

MR. CLARK. Yes, sir.

THE CHAIRMAN. The mere purpose of that question of mine was to show that the witness must be mistaken when he says that these yearlings did not come until August.

MR. PATTON. Is that not merely a difference of opinion between two experts?

THE CHAIRMAN. But these are the official records of the island.

MR. PATTON. Well, that is only the official record of the expert who was there.

MR. CLARK. Have I not shown you that the official record is in error and contradicts the testimony of five or six men who were engaged in an experiment? The Official Journal says:

"It is now conceded that yearling females do not haul out on the rookeries, but among the holluschikie."

Dr. Jordan's own record states: "It may safely be inferred that no virgin females are among the bachelors on the Reef." That is what he says.

THE CHAIRMAN. But Mr. Goff was a sworn officer of the Government, was he not?

MR. CLARK. I do not know anything about it more than that Mr. Goff was the Government agent on the islands.

THE CHAIRMAN. Now, I want to ask the witness a few more questions, Mr. McGuire, before you proceed.

MR. MCGUIRE. All right.

THE CHAIRMAN. Did I understand you to say on Saturday that you and some assistant up there branded 6,000 young seals one year?

Mr. CLARK. Yes, sir; that is, I stated that I helped to brand 1,741 and that after my departure from the islands the agent raised that number to between 5,000 or 6,000.

The CHAIRMAN. In what year was that?

Mr. CLARK. In 1912.

The CHAIRMAN. How old were these seals that were branded?

Mr. CLARK. Between 2 and 3 months old.

The CHAIRMAN. I think you said how they were branded, but I do not remember it; I do not have the notes. Could you repeat that?

Mr. CLARK. We drove up the pups in little pods, and then the natives caught the little animals and held them by the sides of the neck or under the ears, and Mr. Marsh and I took red-hot irons and burned a little impression, and imperfect T, on their heads—that is, we drew a line down the forehead between the eyes and another across the top of the head in such a way as not to connect. We heated the irons on a gasoline furnace.

The CHAIRMAN. One mark between the eyes and another on top of the head?

Mr. CLARK. It was intended to make a rough T.

The CHAIRMAN. It was between the eyes?

Mr. CLARK. Well, the eyes were far apart, but it came down in the direction of the nose between the eyes.

The CHAIRMAN. And the next year they did not turn up, I believe you said?

Mr. CLARK. We got a few of them on the Reef, but later on in the fall they came in in larger numbers.

The CHAIRMAN. You say that the one that came back you measured?

Mr. CLARK. Yes, sir; we caught this one that was branded and we measured it.

The CHAIRMAN. What did you say was the length of it?

Mr. CLARK. 36½ inches.

The CHAIRMAN. For the entire seal?

Mr. CLARK. From tip of the nose to the root of the tail.

The CHAIRMAN. Then the skin would be how long?

Mr. CLARK. It would be shorter by as much as the sealer might leave on the nose in skinning. In drawing the knife across the nose there is a patch left there, and on the larger seals it averaged 4 inches in 1912, when we measured and were dealing with the 205 salted skins.

The CHAIRMAN. That was a yearling then?

Mr. CLARK. Which one?

The CHAIRMAN. The branded one.

Mr. CLARK. Yes, sir; most assuredly, because it had a mark on it and that was an absolute identification.

The CHAIRMAN. Now, Mr. McGuire, you may proceed.

Mr. McGUIRE. Did you get through a while ago with your statement with respect to the London measurements, do you remember?

Mr. CLARK. I think so.

Mr. McGUIRE. I think you answered all my interrogatories.

Mr. CLARK. I think I did, unless it might be that as a result of the experiment with the salted skins in 1912—and I want to emphasize this fact—we had to readjust our whole knowledge and assume that

an addition must be made to the London weights to get back to the green-skin weights, because of depreciation of skins in salting.

Mr. McGUIRE. I think you went over that. Now, then, with respect to the measurements and weights taken on the islands, I will ask you if you have any examples where you took both the length and breadth of skin measurements and, if so, what did you find with respect to the relative lengths and relative breadths of seals presumably of the same age?

Mr. CLARK. In 1912 I was charged in my instructions with the determination of the question of the action of salting on weight of sealskins because that was a question before this committee. Mr. M. C. Marsh, the naturalist on St. Paul, Mr. Lembkey and myself, made a killing of 205 animals—they were well-grown two-year olds—with a view to laying a basis for this experiment. The full record is in my 1912 report. We had the animal struck down, stunned, and before it was bled we had it weighed. We took the animal's weight, and then we measured the animal from the tip of the nose to the root of the tail and we took its girth behind the fore flippers. We took the green-skin weight, and then put it into salt in the kench, where we took its length and breadth. Then after 7 to 10 days, or whatever the period of salting is, we took these skins out and shook them to get rid of the extra salt and weighed them again. We again took their length and breadth. We have that all recorded here for the 205 skins.

I should not have complained about the Elliott-Gallagher report here if those full dimensions had been given, but you see, the breadth measurements were not taken for these 400 salted skins, therefore the information is defective.

We have the area of these 205 skins so that their size can be easily determined. I have been interested since this discussion came up in looking over these figures for 1912, and I have drawn out some examples to assist us in getting at an understanding of the matter.

Mr. McGUIRE. Give the examples you have there.

Mr. CLARK. I find in this manuscript of 1912 that skin No. 38—I may say that these skins are tagged just as Mr. Elliott's are tagged. This skin No. 38 came from an animal weighing  $52\frac{3}{4}$  pounds. That is a little less than the weight of an average 2 year old as fixed by Mr. Elliott, which is 58 pounds. Skin No. 38 was 40 inches in length and  $24\frac{1}{2}$  inches in girth. The green skin weighed 5 pounds  $12\frac{1}{2}$  ounces. No. 50 had a weight of  $58\frac{1}{2}$  pounds as an animal. That corresponds exactly to Mr. Elliott's estimate of 58 pounds. Its dimensions (salted) are  $40\frac{1}{2}$  by 25 inches and had a weight of 5 pounds  $15\frac{1}{2}$  ounces. Now, No. 58 of this same list is of an animal weighing 49 pounds. I have chosen here animals of varying weights, so that we will see that these animals do vary and you can not fix on any one measurement as characteristic of them all. This salted skin had a length of  $41\frac{1}{4}$  inches and a girth of  $21\frac{1}{4}$  inches. Its weight 5 pounds and  $7\frac{1}{2}$  ounces. Note that we have here three skins; the lengths are 40 inches,  $40\frac{1}{2}$  inches, and  $41\frac{1}{4}$  inches. The girth measurements are  $24\frac{1}{2}$ , 25, and  $21\frac{1}{4}$ . The weights are 5 pounds  $12\frac{1}{2}$  ounces, 5 pounds  $5\frac{1}{2}$  ounces, and 5 pounds  $7\frac{1}{2}$  ounces. You see there is not a very great variation in weights, although there is variety in the size and weight of the animals and some variation in width.

The CHAIRMAN. There is no difference of 3 pounds, is there?

Mr. CLARK. No; but the skins are practically the same length. Skin No. 86 in this 1912 list is from an animal of  $70\frac{1}{2}$  pounds. That animal is considerably above the average, but it has a salted skin length of 43 inches and a girth of 24 inches, and its weight is 5 pounds  $12\frac{3}{4}$  ounces. Now, the next skin is 126 No. It has an animal weight of 105 pounds. That is an unusual animal, almost twice the weight that is assigned to a normal 2 year old. Its skin is  $42\frac{1}{2}$  inches long and  $25\frac{1}{2}$  inches wide. It weighs 6 pounds  $12\frac{1}{4}$  ounces. This was a solid, hard animal, nothing flabby about it at all. Its weight was very heavy for its size. Its skin did not vary very much from that of the other animals in size, but in weight it was slightly greater than the others. These other animals of less weight were leaner, reduced in flesh, and hence of less weight as animals. They probably did not get such good feed, but the skin on them was not very different. They were lean, skinnier animals. This animal, however, weighed 105 pounds and was in good condition.

The CHAIRMAN. Where were these skins taken from?

Mr. CLARK. At a killing on St. Paul Island in the season of 1912.

The CHAIRMAN. The records are made of them in 1912?

Mr. CLARK. Yes, sir; it is in my record for 1912.

The CHAIRMAN. You have taken the weights from those skins as they were recorded?

Mr. CLARK. Yes, sir. The serial number of the skin is given and it is recorded.

The CHAIRMAN. So that if there was an unusual amount of blubber on some of them, that has something to do with the weights as much as the-girth?

Mr. CLARK. Now, I can swear to these skins, because they were skinned under my eyes and we watched every step that the natives made, and they were not excessively blubbered.

The CHAIRMAN. Now, I wish you would look up the London records and see if you can identify them.

Mr. CLARK. That would be impossible to identify these 205 skins.

I would like to mention another skin, skin No. 151. It is from an animal weighing  $69\frac{1}{2}$  pounds. Its length is  $32\frac{1}{4}$  inches—now, that is getting down to Mr. Elliott's yearling class skin length, is it not? Its breadth is 29 inches. In other words, it is a short broad skin. The weight of the skin is 7 pounds and  $2\frac{1}{4}$  ounces. Would you say that was blubbered heavily?

Mr. McGUIRE. From that experiment——

Mr. CLARK (interposing). Now, here is another skin, No. 152, from an  $80\frac{1}{2}$ -pound animal. The skin is 37 inches long and  $26\frac{1}{2}$  inches wide, and weighs 7 pounds  $11\frac{1}{4}$  ounces. Skin No. 153 is from an animal weighing 85 pounds, the skin measuring 41 inches long, 24 inches wide, and weighing 6 pounds  $7\frac{1}{2}$  ounces. Here we have a skin 41 inches long and 24 inches wide. What is gained in length is lost in width. Another is 37 inches long and 26 inches wide. What it lacks in length it gains in breadth. Here is one  $32\frac{1}{4}$  inches long and 29 inches in breadth, a larger loss in length and a larger gain in breadth. When you take those areas and the sizes of the skins by means of two dimensions you find that they equalize one another and they have a right to weigh nearly the same. But if you should pick out that  $32\frac{1}{4}$ -inch skin without knowing its breadth, you might have one of your blubber skins

The CHAIRMAN. These are 2-year-olds?

Mr. CLARK. Yes. These 205 animals averaged 64 pounds apiece.

The CHAIRMAN. You mean the average of the entire animal?

Mr. CLARK. Yes. Mr. Elliott fixed 58 pounds as the standard weight for 2-year-olds, on page 46 of his monograph.

The CHAIRMAN. This is the weight of the entire seal?

Mr. CLARK. Yes, sir; and it was in our case, too.

The CHAIRMAN. What has that to do with the blubbering of the skin?

Mr. CLARK. You asked me if these were 2-year-old animals and I wanted to show you the basis on which I said they were 2-year-olds. Mr. Elliott fixed the standard weight of a 2-year-old at 58 pounds.

The CHAIRMAN. What does a yearling seal weigh?

Mr. CLARK. Well, I would have to refer to Mr. Elliott.

The CHAIRMAN. I know; but did you not weigh some yearlings yourself?

Mr. CLARK. No; I did not, Mr. Rothermel.

The CHAIRMAN. Did you not know the difference in the weights between the two, the yearling and the 2-year-old?

Mr. CLARK. Mr. Elliott has fixed the standard——

The CHAIRMAN (interposing). One moment; I am asking you now.

Mr. CLARK. No; I do not know.

The CHAIRMAN. Would you be willing to take Mr. Elliott's judgment in this instance?

Mr. CLARK. I am willing to take Mr. Elliott's judgment in this instance; he has a table that has not been disputed.

The CHAIRMAN. How much does he say a yearling seal weighs?

Mr. CLARK. 39 pounds.

The CHAIRMAN. How much does a 2-year-old weigh?

Mr. CLARK. 58 pounds.

The CHAIRMAN. That is the difference in size?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you still say you can not distinguish the difference between a yearling and a 2-year-old when you have seen them?

Mr. CLARK. Yes, sir; I still say that you can not distinguish them with any degree of certainty so that you could swear to it.

The CHAIRMAN. So that it is not with any degree of certainty, but an expert could do it?

Mr. CLARK. Well, not an expert of my type. I could distinguish this 105-pound animal from a 39-pound animal, but not a 49-pound animal from a 39-pound animal.

The CHAIRMAN. But you just named the figures of Mr. Elliott as to the entire animal.

Mr. CLARK. Yes, sir; 39 for the yearling and 58 for the 2-year-old; but I want to say this with regard to Mr. Elliott's classification——

The CHAIRMAN (interposing). Well, one moment. Let us bring that out to the end before you commence to explain. It is 58 pounds for the 2-year-old?

Mr. CLARK. Yes; and 39 for the yearling.

The CHAIRMAN. Can you tell offhand about what percentage that would be in size?

Mr. CLARK. Well, I would have to figure that out



The CHAIRMAN. About 40 per cent larger than the yearling, would it be?

Mr. CLARK. Yes, sir. But I want to state this in regard to the 39-pound limit. I should like to verify that, because Mr. Elliott says that it is a mean of only six animals.

The CHAIRMAN. Now, you just said that you did not know anything about it except that you took Mr. Elliott's data. If you have never weighed any yearling seals, why do you question this proposition?

Mr. CLARK. I did not question it, you will remember. I just called attention to the fact that it is based on 6 animals, and I based my 2-year-old figures on 205 animals. If I was to say what a yearling would weigh I would want to kill 200 of them and get an average in that way.

Mr. McGUIRE. Now, we were through with your examples of the measurements and weights which you took of seals; that is, your comparisons?

Mr. CLARK. Well, yes.

Mr. McGUIRE. Now, then, in view of your experiments, would it be possible to tell the size or weight of a skin by only taking the length and paying no attention to the width?

Mr. CLARK. No, sir. I think you could not tell anything about the skin on that basis, and I think these figures will show that.

Mr. McGUIRE. Do you know whether Mr. Elliott was in possession of the facts which you have just testified to as to the different lengths and widths at the time that he refused to take the measurement of the widths of the skins in 1913? I say, do you know whether or not he was in possession of those facts?

Mr. CLARK. No; I do not.

Mr. McGUIRE. Were you in possession of those facts at that time?

Mr. CLARK. I was.

Mr. McGUIRE. Was that the reason that you wanted to take the width measurements?

Mr. CLARK. Most assuredly it was.

Mr. McGUIRE. From your knowledge of seals, were you satisfied at that time that no accurate information could be had merely by taking the length measurement of the skin?

Mr. CLARK. No; I was definitely of the opinion that it was impossible to do that, and this experiment as it progressed was not giving a just measurement of the size of the skins.

Mr. McGUIRE. And do you say now to the committee that no reliability could be attached to the taking of only the length of the skins?

Mr. ELLIOTT. And the weights?

Mr. McGUIRE. Without the breadth.

Mr. CLARK. That, in my opinion, gives no idea of the size of the animal, and the dependence on length measurement alone is simply untrustworthy.

Mr. McGUIRE. You state that the seals are like other animals, that the yearlings may differ in size. That is, seals of the same age may differ in size and form like other animals. Is that a fact?

Mr. CLARK. That is a fact.

Mr. McGUIRE. Is that a conclusion that you reached by taking the weights, the length, and breadth measurements of those 205 seals?



Mr. CLARK. In part, it does. My information on that subject grows out of that, but I also base my views on the fact that pups are born as early as the 12th of June and as late as the last week of July or the first week of August. The pups born early have a heavy advantage over the pups born late. That is, a pup born in June has the advantage of his mother's milk for four months. The pup born in the latter part of July may have it for two or three months only. One goes away from the islands fat and strong and the other goes away from the island rather weak. In the sea those two animals will just about keep that same distance. If the late-born pup comes back at all he will be less developed than his brother. In the course of three years that difference will probably be obliterated. That holds good for the yearlings, and also for the 2-year-olds.

Thereupon, at 12 o'clock m., by unanimous consent, the committee took a recess until 1.30 p. m.

#### AFTER RECESS.

#### STATEMENT OF GEORGE ARCHIBALD CLARK—Continued.

Mr. McGUIRE. Mr. Clark, you were speaking about the impossibility of getting accurate measurements by taking only the length and not the width, and I refer particularly to those measurements and weights which were taken of 400 skins or more in 1913. How were those skins weighed there? Tell all you know about it.

Mr. CLARK. Of course, the ostensible purpose of this experiment, as it was undertaken by us in the salt house on St. Paul, was to determine whether skins increase or diminish in weight in salt. The skins were taken out of the salt. They had been in salt for 8 or 10 days. They were shaken out and laid out on the measuring table and measured, as we have already discussed. In order to determine the action of salting, they should have been weighed individually at that point. They were taken out of the salt, shaken, and if each skin had been individually weighed then, this experiment would have laid the basis for settling the question of the action of salt on the skins. But the measurements were taken and the skins were thrown into the kench——

Mr. McGUIRE. What do you mean by the "kench"?

Mr. CLARK. The kench is the bin where the skin is thrown with the fur side down and the flesh side up, and then a shovel full of rock salt is put on it and the bundler spreads that carefully over the flesh side of the skin. Then he takes a slightly smaller skin and puts that flesh side down upon the layer of salt. Then he curls up the edges all around, and brings the tail end down and the head end back to the middle, wrapping the skins in a bundle and tying it up with 10 feet of baling twine.

Mr. McGUIRE. Two skins together?

Mr. CLARK. Yes.

Mr. McGUIRE. With that rock salt in there?

Mr. CLARK. With the rock salt in there, yes, and 10 feet of baling twine to tie the bundle. At the time this process of bundling was begun, of course, I protested that there was the time to get the individual weights, and I wanted Mr. Elliott to have the individual weights of these skins taken before they were put into that bundle;

that would have given a basis of comparison with the green skin weights which we were recording against these skins. Mr. Elliott would not do that, and I then asked the privilege of doing it. He refused me the privilege on the ground that I was interfering with his experiment.

Mr. McGUIRE. Did he show you instructions that he was to be unmolested in what he was doing and it was a matter entirely of his own?

Mr. CLARK. He showed me no instructions to that effect, but he read to us this manifesto which the chairman read this morning, and the impression I gathered from that was that we were not to interfere.

Mr. McGUIRE. Did he object to your interfering?

Mr. CLARK. He did, most strenuously.

The CHAIRMAN. Did Gallagher hear that?

Mr. CLARK. Yes.

The CHAIRMAN. He was sitting right beside you?

Mr. CLARK. He was standing, taking down the record, yes.

Mr. McGUIRE. When you protested against the weighing of this salt and this twine and the two seal skins at a time, what did he do?

Mr. CLARK. Ordered the proceedings to go on, and the bundling went on. As soon as the bundle was tied up securely it was turned over to Mr. Hatton to take the weight of it as a bundle, and then we bracketed, as you will see in the figures here, those two skins, with the salt in between them, and the binding twine around them, against the measurement and the weights of the individual green skins. Then it was asserted by Mr. Elliott that the bundle exceeding in weight the individual skins in the green state, the point that salting increased the weight of the skins had been demonstrated.

Mr. McGUIRE. He made that assertion?

Mr. CLARK. Yes.

Mr. McGUIRE. Had you taken the same two skins in each case that were weighed together with the rock salt and the twine, and weighed them together as they were green? Did you take the green weight of the skins?

Mr. CLARK. No; they were taken by the agents at the time of the killing, practically 20 days before.

Mr. McGUIRE. And then salted?

Mr. CLARK. Yes; they were taken by Mr. Lembkey. Mr. Elliott accepted Mr. Lembkey's green skin weights as recorded.

Mr. McGUIRE. You weighed them by twos after the rock salt and twine were added to them?

Mr. CLARK. Yes.

Mr. McGUIRE. Do you know whether they were weighed by twos and the same two skins in each case when they were green?

Mr. CLARK. Yes; individually.

Mr. McGUIRE. The same two skins?

Mr. CLARK. Yes.

Mr. McGUIRE. Did you find that with the rock salt and the twine, about which you spoke, weighed in each case with the two skins, they ran heavier or lighter than the green skins?

Mr. CLARK. Considerable heavier.

Mr. McGUIRE. With your knowledge of that test, as it was taken there, state whether it could have been and whether it was an accurate test.

Mr. CLARK. I have no complaint of the accuracy of the test made. The weighing was carefully done and everything was in order, so far as that is concerned. The only thing was the omission of the vital weights of individual skins before the rock salt and twine had been added.

Mr. McGUIRE. That is what I am asking you. Could that have been an accurate test if they weighed the rock salt and twine with the skins?

Mr. CLARK. I could not possibly give you any information as to what effect salting had on the skins.

Mr. McGUIRE. That is what I am asking.

Mr. CLARK. No; because we would have admitted before we started that rock salt and baling twine had weight. In fact, I protested against the using of this method, because we would have admitted that fact at the outset, and that all that was necessary was to weigh the amount of salt and the amount of twine that went into one bundle, and we would grant it for all the rest of them.

Mr. McGUIRE. That would have been an accurate test, would it not, to weigh the salt and the twine?

Mr. CLARK. Yes.

Mr. McGUIRE. Then, with those 400 skins that have been mentioned here, it is utterly impossible, in view of what has been done, to determine what would have been the actual difference between the green skin and the salted skin.

Mr. CLARK. It is impossible now, I should say.

The CHAIRMAN. Would it have been possible then?

Mr. CLARK. It would have been possible to weigh the individual skins as they were put in the bundle. That is what I wanted to do and that is what would have determined the matter.

The CHAIRMAN. Did you request it?

Mr. CLARK. I did request it; yes.

The CHAIRMAN. And it was refused?

Mr. CLARK. It was refused; yes.

The CHAIRMAN. You and Mr. Gallagher were sitting side by side?

Mr. CLARK. We were taking the record; yes.

The CHAIRMAN. And comparing notes? Did you and he agree on any of these facts?

Mr. CLARK. We agreed as to the numbers, yes; as we took them down.

The CHAIRMAN. And the sizes?

Mr. CLARK. We took all the numbers down and we checked them.

The CHAIRMAN. Did you have any difficulty in determining about the sizes?

Mr. CLARK. That was determined by Mr. Elliott. All we could do was to record the numbers that he called to us.

The CHAIRMAN. Who was sitting next to Mr. Elliott, Gallagher or you?

Mr. CLARK. Mr. Gallagher and I stood together at one point. Mr. Whitney stood by us to give us the green skin weights, and Mr. Elliott and Mr. Hatton stood at the salter's table where these skins were being treated.

The CHAIRMAN. Did you suggest that the weights ought to be taken as you have suggested?

Mr. CLARK. I certainly did.

The CHAIRMAN. And they refused?

Mr. CLARK. Yes.

Mr. McGUIRE. On page 209 of Mr. Elliott's report there is something said as to the inadequacy of the yearling data.

Mr. CLARK. At page 209 Mr. Elliott says:

Lucas and Clark fail in their work of getting results of sense or value by not going out into the field and getting the measurements of 30 or 40 specimens of these 1, 2, 3, and 4 year old seals' bodies. Elliott made no such blunder, which both Lucas and Clark admit they have done in the following statements.

Mr. McGUIRE. Is that Elliott's report where he says he made no such blunder?

Mr. CLARK. That is the text of this document; yes.

Mr. McGUIRE. Who is the author of that statement, "Elliott made no such blunder?" Can you tell from that document?

Mr. CLARK. It is the second of these documents, and I do not think Mr. Gallagher's name is attached to it.

Mr. McGUIRE. You may proceed.

Mr. CLARK. I want to state here that the charge of dereliction on my part is due to the fact that I made a measurement of one animal only. We were not allowed to kill yearlings. I could not go in the field at any time and get 30 or 40 yearling seals. They were not being killed in 1896 or 1897 and we had no opportunity to get those specimens. What I did was to take a reliable native whose experienced judgment I could trust and have him single out from groups of animals an animal which he considered typical of a yearling, and I killed that animal only and measured it. I did not wish to sacrifice any more seals than was necessary. I want to say that my estimate of the animal was in a sense an average of a good many animals, because it was picked out for me by some one who was, through past experience, expert in picking out these animals, and we relied on that judgment. I want to protest that I could not, in 1896 and 1897, nor could any member of our commission, go out any day and find 30 to 40 2-year-olds or yearlings and measure them, because they were not being killed.

Mr. McGUIRE. At page 416 of the same document there is an apparent discrepancy between Dr. Lucas and yourself. What have you to say about it?

Mr. CLARK. At page 416 there is given a note attributed to D. S. Jordan, under date of July 25, 1897, Fur Seal Investigations, part 2, page 341, 1898. The gist of it is:

But all were not in, and no yearlings or 2-year-olds appeared. I have never seen one, and I am not sure that I have seen a 2-year-old.

In the opposite column is a statement, under date of July 3, 1897, by Mr. Lucas, and another of July 5 by myself, and a third by Mr. Lucas of July 10, and a fourth by myself on July 20, in which we contradict this statement and show that small animals, which we describe as 2-year-olds, were present. These dates ascribed to Mr. Lucas and myself are also from the year 1897. The only thing about that is that Dr. Jordan's date should be 1896, and Dr. Jordan's statement was made 10 days or two weeks after we arrived on the islands. Every member of the commission of 1896 and 1897 would have made the same statement, because we had not been able to distinguish these little animals and we were hunting for them. One

year later, after I had spent two months in the autumn of 1896 hunting for these animals and seeing them by the thousands, and when Lucas and myself were looking for them in 1897, with the experience we had in 1896, we found them very readily. We are, however, made to contradict Dr. Jordan by a change of date.

The CHAIRMAN. Do you mean that means July 25, 1897?

Mr. CLARK. I mean that it should be July 25, 1896.

The CHAIRMAN. That is a mistake in the figures there?

Mr. CLARK. Yes.

The CHAIRMAN. That is your explanation of that?

Mr. CLARK. Yes. It is a serious matter to make a mistake like that when you are charging persons with a contradiction.

Mr. McGUIRE. Who made that mistake?

Mr. CLARK. It must have been made by the person who prepared this manuscript for the printer.

Mr. McGUIRE. Who prepared that?

Mr. CLARK. Mr. Henry W. Elliott.

Mr. ELLIOTT. I quote the page right there; there is no mistake in that.

The CHAIRMAN. Let us clear that up right here now.

Mr. CLARK. This reference is to page 341 of volume 2 of the record of field notes of the commission of 1896-97. It is the second paragraph from the bottom of the page. The full text is as follows:

At the time of our first enumeration on Kitovi, Tolstoi, and the Lagoon the rookeries were at their height, with more cows present than at any time since. But all were not in, and no yearlings nor 2-year-olds had appeared. Nor am I sure that any have appeared since, unless yearling cows are among the bachelors. I have never seen one, and am not sure that I have seen a 2-year-old.

That is dated July 25, 1896.

Mr. McGUIRE. Who made that statement?

Mr. CLARK. That is Dr. Jordan's note at page 341. The observations of 1897 began on page 517 of this volume, and the page reference here, as given by Mr. Elliott, is correctly given. The numbers 544 to 566 are the pages given for the Lucas-Clark notes, but they are only in part. This is the document right here [indicating] to show it.

The CHAIRMAN. Where did you get the 1897?

Mr. ELLIOTT. I quote that right from the journal here.

Mr. McGUIRE. You came within a year of it.

The CHAIRMAN. What he means is that this was in the year 1896 instead of 1897.

Mr. McGUIRE. That statement is all right except that there is a mistake of one year.

Mr. ELLIOTT. But that is corrected in the next year by his own people.

Mr. McGUIRE. But you said you were right about this.

Mr. ELLIOTT. That is your own witness that makes that statement. I proved the yearlings were there, and he denied it.

Mr. CLARK. The thing I want to protest against on my own part and Dr. Jordan's part is that we are made to contradict each other by a mistake or a change of the date.

The CHAIRMAN. The committee will determine that.

Mr. ELLIOTT. That is correctly quoted, and it has not been changed for any purpose.

Mr. McGUIRE. I suggest Mr. Elliott testify when the time comes. I think the dignity of the committee would require the examination

of one witness at a time, and an idle bystander or witness should not be allowed to jump in here and make a part of this record in this way. I do not think it is in keeping with the dignity of the committee.

The CHAIRMAN. I really meant that for the information of the committee.

Mr. McGUIRE. Then I think Dr. Elliott should be brought to the witness stand later so we can examine him.

The CHAIRMAN. I want him as a witness, too.

Mr. McGUIRE. But I think he should await his proper time. If he wants to ask any questions, I think he should advise the chairman or some other member of the committee; and, above all, if we are to have a logical inquiry here that will be understandable I do not think the statements of a witness sitting somewhere in the room and not the witness at the time under examination should be shoved into this record, particularly while somebody else is testifying.

The CHAIRMAN. The object of my inquiry was simply to clear it up once and for all. That is the reason I asked for the date, to let the committee see it.

Mr. McGUIRE. But here is a witness testifying, and he shows conclusively there is a discrepancy of one year in these dates. That is established; there is no doubt about that, in spite of the fact that Mr. Elliott breaks in here with a statement that was just taken on the record, that he quoted it correctly, which is not the fact. That is the reason I say it is unfair to this witness to interfere; and it is unfair to the chairman and other members of the committee to have that kind of thing slipped into the record, because it is not an honest record.

The CHAIRMAN. I am willing to have it stricken out.

Mr. McGUIRE. I know the chairman is fair about it.

The CHAIRMAN. I thought if there was a document here from which this is taken, it ought to be looked up and cleared up right now.

Mr. McGUIRE. It was clear all right; but the part that is not clear is the interruption of Mr. Elliott. That is what I am complaining about.

The CHAIRMAN. I think we understand that. Let us go on to the next proposition.

Mr. McGUIRE. We had better decide here whether Mr. Elliott is to sit here and make idle remarks on the side and have them go into the record.

The CHAIRMAN. Mr. Elliott will have to wait until his time comes.

Mr. ELLIOTT. I will keep still.

Mr. BRUCKNER. I think no remark should go into the record except those of the witness, because he is the man that is being cross-examined and is under oath. I believe everybody else will have an opportunity to be heard. If they do not, they should ask for it. Let us conclude with one witness at a time. After we get through with Mr. Clark then Mr. Elliott can make his statement. It will look much better in the record, and everybody will be satisfied. I believe in giving everybody a square deal.

Mr. McGUIRE. Shall we proceed?

The CHAIRMAN. Yes; proceed.

Mr. McGUIRE. The official record of Dr. Jordan, at page 180 of Elliott's report, has been challenged.



Mr. CLARK. I covered that this morning, I think, by quoting the correct statement from our log.

Mr. McGUIRE. Yes; I remember that now.

There was something said by you in answer to some interrogatories by the chairman with respect to re-leasing. What was your attitude in regard to re-leasing, and what was your recommendation, if any, that the Government take over the work of obtaining sealskins and dispense with the lessees?

Mr. CLARK. I was of the opinion that the dual authority existing on the islands was not to the best interests of the fur-seal herd, and in my 1909 report I tried to make that clear. I think it best that I should simply state what was my recommendation in this matter to the Bureau of Fisheries. It will be found at page 872 of my report for 1909, Appendix A, as follows:

(4) That an interregnum of three to six years be declared, in which the Government representatives shall administer the affairs of the natives and of the herd without being hampered by consideration of the rights and privileges of lessees, such products of the hauling grounds only being taken as may seem wise to those in charge of the herd, these skins to be cared for in the usual way under the direction of the agents and offered for sale upon the market to the highest bidder.

(5) That is re-leasing the fur-seal industry for any term of years the present dual control be abandoned, the authority of the lessees being limited to such oversight of the operations of taking and caring for the skins as will insure their proper curing.

That was my attitude regarding the re-leasing of the islands. At the time that was made, I was aware that the law was mandatory—at least I so understood; but the chairman called my attention to the fact that the word “may” was used. At any rate, it was understood the Secretary of Commerce must, in due course of things, let the islands on a new lease, and I made this recommendation as my advice to the Bureau of Fisheries in the matter.

Mr. McGUIRE. Were you or were you not in favor of re-leasing?

Mr. CLARK. I was not in favor of re-leasing.

Mr. McGUIRE. Were you or were you not in favor of the Government doing the work?

Mr. CLARK. I was in favor of the Government itself taking over and dealing with the skins.

The CHAIRMAN. You say that the present dual control should be abandoned. What were your reasons for saying that?

Mr. CLARK. Simply because I felt that the interests of the lessees were in the getting of their full quota and all the skins which the herd could give them under that. The interests of the Government were in the herd itself, and if the herd could not stand the quota that might be by accident assigned to it, the Government should be able to withdraw that and to take any action it wanted to in the interest of the herd without being liable to suit for damages because it had prevented a leasing company from taking what was its right under a contract that was entered into.

The CHAIRMAN. Was it your judgment that the leasing company could take seals in violation of the regulations because, we will say, a quota was fixed at 10,000 and if they could not find enough seals there to come within the regulations, they would have authority to go and take those which did not come within the regulations?

Mr. CLARK. No, sir.



The CHAIRMAN. You spoke something in your report somewhere about fixing an arbitrary standard of so many seals as the quota for a leasing company to take.

Mr. CLARK. That was exactly the situation on the fur-seal islands in 1909. The company had a perfect right to take 15,000 skins. That was the number which the bureau fixed. They did not take that number by something over 600; that is, they failed to get them. The point I had to make was this, that with an arbitrary quota fixed in Washington, and a declining herd, the tendency on the part of the leasing company was to get every skin it could get.

The CHAIRMAN. Irrespective of the regulations?

Mr. CLARK. Of course the regulations would be enforced, and were enforced, because they did not get the skins. They could have easily gotten the other 600 skins if the agents had allowed them to take all the small seals.

The CHAIRMAN. You said there was trouble going on between the agents and representatives of the leasing company.

Mr. CLARK. I did not say that.

The CHAIRMAN. What was the trouble about?

Mr. CLARK. I did not say any trouble existed, but I did point out the fact to this committee that there were five keen, capable company representatives on the islands, and there were but two Government agents. I did not say there was any quarrel between them.

The CHAIRMAN. I may have misunderstood you; but you said that on account of having five there, they were in supreme authority. Is not that what you said in your report?

Mr. CLARK. They had a majority, yes.

The CHAIRMAN. Did they have disputes among themselves? I would like to have that cleared up further.

Mr. CLARK. No; no disputes that I know of at all.

The CHAIRMAN. Why did you say an exercise of authority on one side to subdue the other side, if I may use that expression?

Mr. CLARK. I have not said that I saw any such, and I have said very positively that there was no conflict between them. I was picturing a condition which existed at a time when there was a declining herd, and when its existence did not do any harm to the herd; but I was also having in mind a condition which would change and be the exact reverse when the herd would need an increasing number of males and not a decreasing number, which, with this same eagerness on the part of the leasing company to get as large a quota as possible, would be a danger and menace to the herd.

The CHAIRMAN. But you say the leasing company was in supreme authority, in your report of 1909, do you not?

Mr. CLARK. I stated that the breeding reserve having been set aside—that is, the number of animals necessary to give an increment of males for the herd—the work of hauling and killing the seals was left to the leasing company.

The CHAIRMAN. I do not know that we are clearing this up any further than it was cleared up a day or two ago. Was it your idea the leasing company had taken advantage of the agents of the Government?

Mr. CLARK. No, sir; but my idea was——

The CHAIRMAN (interposing). The agents of the Government had no authority over them at all, had they?

Mr. CLARK. They had control. If the leasing company had undertaken to violate the regulations or rules or do something wrong, I imagine the Government agents would have prevented it.

The CHAIRMAN. It seems to me, when you said they were in supreme authority, that they controlled the situation.

Mr. CLARK. Does not the majority control? That is my idea, you know.

The CHAIRMAN. Did they take votes on this?

Mr. CLARK. Of course, the difference between us is simply this: You want to discover, if possible, a conflict between the agents—

The CHAIRMAN. (interposing). I do not want to discover anything; I want to clear it up.

Mr. CLARK. I can do that, because there was no conflict between them. The leasing company lived up to its contract, but there was a declining herd and to get every skin they could was not doing the herd any harm when a less and less number of males was needed each year for the declining female herd; but if this was turned about and the females began to increase and more males were necessary, there was a danger then, and a majority might be used to carry through plans which a leasing company might want to carry through, and a majority in any case would be dangerous to the Government.

The CHAIRMAN. Did you call attention of the special agent of the Government to the fact that the others had supreme authority and control of this situation?

Mr. CLARK. That was an obvious fact, it seemed to me. I did not do anything because there was nothing for me to do in that regard. I made my report to the department and not to the agents.

The CHAIRMAN. Did you report that to the department by wire or otherwise when you discovered that the lessee company's agents were in supreme authority, or did you wait until you filed your written report?

Mr. CLARK. I did not discover that in 1909. It was just as plain to us in 1896 and 1897.

The CHAIRMAN. That they were in supreme control?

Mr. CLARK. That they were in the majority.

Mr. McGUIRE. I never heard him say they were in supreme control.

The CHAIRMAN. That they had supreme authority.

Mr. McGUIRE. No. Here is what he said, that after they had eliminated the number of males necessary for the following year, then it was turned over to them.

The CHAIRMAN. You said it was apparent that the leasing company was in supreme control in your report of 1909.

Mr. CLARK. I stated it in just this way, that the breeding reserve, which the department wanted to guarantee to its herd, having been set aside—and it was four times too great, four times greater than was necessary—then the company had the right, under this lease, to take what skins it could up to 15,000. That is what I meant by being in supreme authority. And I had in mind a future condition. With the company having a school-teacher and a storekeeper and a doctor and a foreman on the islands, there was a condition of majority on their part which would be likely to endanger the herd if it became desirable or if the leasing company should desire to do something which conflicted with the interests of the herd.

The CHAIRMAN. You also describe the killing on the breeding reserve, do you not, in your report?

Mr. CLARK. I criticize the method by which the breeding reserve was maintained. Let me read what I said in that regard.

The CHAIRMAN. I will be very glad to hear it; I am not very sure about it myself.

Mr. CLARK. At page 866, I said:

Opposed to this struggle of the lessees has been the counter-struggle of the Government's representatives to rescue a breeding reserve. Fortunately it has been successful.

That is what I said.

The CHAIRMAN. Then the company must have made an effort to get the breeding reserve?

Mr. CLARK. I do not know. They did not get it, at any rate. I do not know anything about that.

The CHAIRMAN. In hearing No. 1, page 11:

A new lot of 2,000 are clipped for the next season, and these are carefully exempted, but except in so far as animals of the previous season's marking are reclipped, they have no protection the second season, and without doubt are killed.

Mr. CLARK. That is my criticism of the breeding reserve. It was made with sheep shears, with a temporary mark, and what I wanted was to substitute for that a red-hot iron brand, which would leave that animal immune for the rest of his life. That was a criticism of the method of making a breeding reserve, which I said, despite its limitations, was successful.

Mr. McGUIRE. That was the reason you recommended the Government take over the operations?

Mr. CLARK. Yes.

Mr. McGUIRE. Have you the pages there with regard to charges of improper killing in 1896 and 1897?

Mr. CLARK. There is a charge of killing made against Dr. Jordan at page 98.

Mr. McGUIRE. That is right; and at pages 101 and 103. What have you to say about that?

Mr. CLARK. At page 98, at the bottom of the page, occurs this statement:

Dr. D. S. Jordan, with the full cooperation of the Treasury Department, in 1896-97, and Commerce and Labor up until 1912, is responsible for the killing of female seals for their skins by the lessees of the seal islands of Alaska.

Mr. McGUIRE. What are the facts with reference to this charge?

Mr. CLARK. That is not true. Dr. Jordan had no authority over the killing.

The CHAIRMAN. I do not want to interrupt you; but it says here that Dr. Jordan was up there. Is that correct?

Mr. CLARK. He was up there in 1896 and 1897.

At page 18, Volume I, of the report of Dr. Jordan's commission are printed in full the instructions under which he acted in 1896-97. I do not need to quote all. They can be read by this committee, if necessary. But in the second paragraph of the fine print is this statement:

The principal object of this investigation is to determine by precise and detailed observations, first, the present condition of the American fur-seal herd; second, the nature and imminence of the causes, if any, which appear to threaten its extermination; third, what, if any, benefits have been secured to the herd through the operation

of the act of Congress and the act of Parliament based upon the award by the Paris Tribunal of Arbitration; fourth, what, if any, additional protective measures on land or at sea, or changes in the present system of regulations as to the closed season, prohibited zone, prohibition of arms, etc., are required to insure the preservation of the fur-seal herd.

Then, omitting something, the third item under this general statement is:

(3) Whether killing on land or sea has interfered with the regular habits and occupation of the islands by the herd, or has operated to reduce the strength of the seal race as a whole by natural selection.

(4) The propriety of existing methods of driving seals from the hauling grounds to the killing grounds, culling and other practices connected therewith.

I need not detail the rest; but in the third and fourth items must rest the responsibility of Dr. Jordan for land killing, if he had any responsibility. We were there to examine and to report upon the conditions of land sealing, as well as pelagic sealing.

The CHAIRMAN. I am seeking to ask you this—it is noted on page 261 (97 of Elliott statement) of Hearing No. 1, at Paragraph VIII, which reads as follows, this being the statement of Mr. Elliott:

This work of Dr. David Starr Jordan in 1896 was repeated by him in 1897, and the same covering given to the killing of small seals; and, on page 18 of his second preliminary report, dated November 1, 1897, he says:

“Last year the hauling grounds of the Pribilof Islands yielded 30,000 killable seals; during the present season a quota of only 20,890 could be taken. To get these, it was necessary to drive more frequently and cull the animals more closely than has been done since 1889. The killing season was closed on July 27, 1896. This year it was extended on St. Paul to August 7 and on St. George to August 11. The quota to be taken was left to our discretion, and every opportunity was given the lessees to take the full product of the hauling grounds.”

Dr. Jordan has said in his report that the killing was left to their discretion, including himself.

Mr. ELLIOTT. His discretion.

The CHAIRMAN. No; their discretion, including himself.

Mr. CLARK. I am glad to have an opportunity to answer that matter.

The CHAIRMAN. I will be glad to have you clear it up, if there is an answer to it.

Mr. CLARK. The reason why the fur-seal herd was culled and driven more closely than in 1896 was this: We had with us in 1896 and 1897 a keen British commission, who were pledged by the acts of their predecessors to the theory that land sealing was injurious to the herd. These men were very keen about these matters, but it was agreed between Dr. Jordan and Professor Thompson that——

Mr. McGUIRE (interposing). Dr. Thompson was the British representative?

Mr. CLARK. He was at the head of the British commission (Continuing)——that if the hauling grounds on the Pribilof Islands in 1897 should show less seals or give a less quota than was given in 1896, it would be taken by the two commissions as a measure of decline in the herd.

The CHAIRMAN. I do not know that that quite touches the point, so I will repeat the question. It seems to me that you objected when you first started in with your statement on this point, that Dr. Jordan did not have control of the seals?

Mr. CLARK. I was speaking, of course, of 1896.

The CHAIRMAN. Then, in 1897 he did have control, did he?

Mr. CLARK. He had this control, if I may be permitted to develop it consecutively: the Department of the Treasury tied Dr. Jordan's hands up by its voluntary fixing of the quota of 1897 at 15,000 seals—

The CHAIRMAN. Just a moment, there. Is not this plain and clear—you have said this is a correct quotation—that it was left to their discretion, and he was at the head of the commission, was he not?

Mr. CLARK. I did not find the reference to which you called attention.

The CHAIRMAN. I made a mistake in the identification. It is not in Hearing No. 1.

Mr. ELLIOTT. But Hearing No. 1 carries it.

The CHAIRMAN. But it is at a different page. I made a mistake in describing that as at page 97 in Hearing No. 1. It is in the statement submitted by Elliott at that page.

Mr. CLARK. The statement is that "The quota to be left to our discretion, and every opportunity was given the lessees to take the full product of the hauling grounds."

In 1896 a quota of 30,000 was granted to the North American Commercial Co., and they took it in that year. We had no control whatever and had nothing to do with that killing. I spoke of an agreement between Dr. Jordan and Prof. Thompson, which was that a diminished quota in 1897 would be a measure of decline. We had agreed upon two points, first, that a recount of pups would be a measure of decline in the breeding herd. The quota of 1897 was to be the second measure of decline, decline in the bachelor herd; but the Treasury Department fixed the quota for 1897 at 15,000 seals. That begged the question. It assumed there would be only half as many taken on the Pribilof Islands in 1897 as in 1896. That was immediately noted by Canada, and Mr. James Macoun, the Canadian representative, was ordered north on the company's steamer on the 22d of May. I was ordered to accompany him. It was to be there at the first killing.

The CHAIRMAN. On what page is that?

Mr. CLARK. Page 97 of this Elliott statement. Mr. Macoun and I went to the Pribilof Islands to watch that killing, and immediately it became evident to us, that the 15,000 limit would be reached long before the hauling grounds were exhausted. If we had to stop the killing arbitrarily at any point in the season, and there were left 100 killable seals, the British commission would say we arbitrarily limited the quota, and therefore it did not indicate a measure of decline in the herd. He began at once to object to the killing because with the limited quota less of the larger animals were taken. It was evident that we were going to get into trouble with it, and I wrote immediately to Dr. Jordan, and he asked the Treasury Department to raise the limit of the quota, making it indefinite, and letting him allow the lessees to duplicate their killing of 1896. We kept them driving and killing until it was past the season in which they closed the killing in 1896, and we did it in order that the British commissioners might not say we had arbitrarily diminished the quota. We took 20,000 seals, and then the British commission agreed with us that the difference between 20,000 and 30,000 was a measure of decline in the herd. If we had been stopped at the 15,000 quota in

1897, we could not have obtained that concession from the British commission. That is all that is meant by driving more strenuously and longer in 1897. We kept the company at it, because it was our only hope of being able to get from the British commission an agreement that there was a diminution of bachelor seals.

The CHAIRMAN. Then Dr. Jordan was at the head of it?

Mr. CLARK. These instructions were sent to the agents.

The CHAIRMAN. Was he not at the head of that, when he was up there?

Mr. CLARK. Certainly, of the investigation. But he had no control over the killing. I had to read those instructions to Agent Joseph Crowley in order to get permission to go on the rookeries without his consent. We were not given unlimited authority except to observe and to do the work of investigation which we were called upon to do.

The CHAIRMAN. If I am not mistaken, I think that Crowley says that the lessees had entire control of it. I think I saw that somewhere in Hearing No. 1.

Mr. CLARK. I do not know anything about that.

The CHAIRMAN. I can not point it out now, but I think that is suggested as having come from Crowley, that he said the lessees had entire control.

Mr. McGUIRE. I fail to get the point, Mr. Clark, of why the representative of the British commission protested against the Government of the United States diminishing the number to be taken in 1897. Why did they want the number increased?

Mr. CLARK. Perhaps I stated that rather loosely. I do not mean that Canada protested to our Government, but they did to Dr. Jordan.

The CHAIRMAN. What was their purpose?

Mr. CLARK. Because we had an agreement that a diminished quota in 1897 would mean a diminished product to the hauling grounds. The fact that the Government had said there was to be taken only 15,000 seals in 1897 might cause Dr. Jordan to have trouble with that agreement. It was begging the question to go up there with a fixed quota for the second season.

Mr. McGUIRE. Was it the contention of the British Government that the number was not diminishing?

Mr. CLARK. They did not wish to have it understood that the herd was diminishing. They wanted to make it clear that pelagic sealing was not injuring the herd.

Mr. McGUIRE. That was their contention?

Mr. CLARK. The representation of the pelagic sealers was that the seals were unlimited, and that any diminution of their quota was due to storms and other reasons.

The CHAIRMAN. On page 100 of Hearing No. 1, under the note, it is said:

In his official report dated St. Paul Island, November 1, 1896, Chief Special Agent I. B. Crowley, says: "The killing is entirely directed by the agents of the lessees, who direct the grade of seals to be taken."

Mr. CLARK. I know nothing of that. I have never seen it.

The CHAIRMAN. I suppose this next line is only commentary to that:

Thus the order of J. Stanley Brown of July 8, 1892, was acquiesced in by both Crowley and Dr. Jordan.



Mr. CLARK. I do not know who made that statement, therefore I do not know anything about its truth.

The CHAIRMAN. Crowley was there on the island, was he not?

Mr. CLARK. That does not connect Dr. Jordan with it.

The CHAIRMAN. You were there with him, were you not?

Mr. CLARK. Yes.

The CHAIRMAN. Did you see Crowley there?

Mr. CLARK. Crowley was the agent of the Government in charge.

Mr. McGUIRE. Mr. Clark, you were interrupted a while ago when you were making a statement as to the authority of Dr. Jordan and what he did. Were you through with that statement?

Mr. CLARK. No. I want to make this final remark about the killing of 1896 and 1897. As I have already pointed out, we had a keen British commission there, prejudiced in favor of the idea that land killing was responsible for a part, at least, of the diminution of the herd. That is why we struggled with this question of the quota. On page 243 of volume 1, of the Jordan commission's report, is the joint agreement on the question of land sealing of this American-British Commission, of which Dr. Jordan was the head for the United States, and Dr. Thompson, of University College, Dundee, Scotland, head for Great Britain. It is in section 9 of this report, which begins at page 240 of this volume No. 1:

The methods of driving and killing practiced on the islands, as they have come under our observation during the past two seasons, call for no criticism or objection. An adequate supply of bulls is present on the rookeries; the number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply; the breeding bulls, females, and pups on the breeding rookeries are not disturbed; there is no evidence or sign of impairment of virility of males; the operations of driving and killing are conducted skillfully and without inhumanity.

Dr. Jordan studied the question of killing, and that is his view of it; and not merely his view, but it is the view of the British commission uniting with him. I submit to this committee that that must answer the charge against Dr. Jordan of responsibility for killing yearlings or for any form of illegal killing that is alleged to have occurred in 1896-97.

The CHAIRMAN. Was it agreed that the lessees should do the killing?

Mr. CLARK. That was a matter with which we had nothing to do.

Mr. STEPHENS. Who did control that?

Mr. CLARK. The agent of the Government controlled the killing and was present at every killing.

The CHAIRMAN. Who was he?

Mr. CLARK. Joseph B. Crowley; and he ordered the drives and was on the killing field, but of course the representative of the lessees was there also.

Mr. STEPHENS. Was not Mr. Crowley the agent of the lessee himself?

Mr. CLARK. No, he was not. Joseph Stanley Brown was the agent of the company.

Mr. McGUIRE. On page 58, as to "indisputable fact No. I," there are some observations. What have you to say about those?

Mr. CLARK. This indisputable fact entered as No. I, on page 58, and repeated at page 183 of this hearing, is the keynote of the whole



present situation, and I wish to discuss it at some length. The statement is this:

It is a fact of indisputable record that the Russians never killed or disturbed the female seals on the rookeries of St. Paul and St. George Islands from start to finish of their possession of them.

Mr. McGUIRE. Whose statement is that?

Mr. CLARK. That statement is made in the report of Messrs. Henry W. Elliott and Andrew F. Gallagher, for 1913.

Mr. McGUIRE. You may proceed.

Mr. CLARK. The importance of this statement will be recalled to members here if you have in mind the speech which Senator Benjamin F. Shively made on the bill in 1912, I think on August 15, in which he took as his thesis the fact that the Russians never killed anything but bachelors.

The CHAIRMAN. If this is merely to be a criticism or correction of Senator Shively's remarks, I do not see why we should go into that.

Mr. McGUIRE. I suggest Mr. Clark be allowed to make his statement in his own way.

The CHAIRMAN. I do not wish to curtail him, but I would like to do it as expeditiously as possible. When we strike anything that looks to me as if it might have no bearing, I am going to call attention to it.

Mr. McGUIRE. But this has a bearing. I have gone over the matter with him, and his own statement is the best evidence of that.

The CHAIRMAN. I suppose the best way to get along is by going ahead.

Mr. CLARK. Also a speech by Hon. William S. Goodwin, in the House, in which he made the statement that the Russians held the breeding grounds and female seals in reverential awe. These two speeches, it seemed to me, influenced the act of Congress which established the present closed season. I want to develop an answer to this "indisputable fact No. I."

Mr. STEPHENS. Is that disputed by anyone?

Mr. CLARK. Yes. I wish very much to dispute it.

The author of this statement, at page 58, is Mr. Henry W. Elliott. I have here a book known as "The Seal Islands of Alaska," of which Mr. Henry W. Elliott is the author. At page 140 of this book we have a translation by the author of Veniaminof's article from the *Zapieskie*, published at St. Petersburg in 1842, Volume II, page 568 ff. This indisputable fact says that the Russians never killed females. On page 140 of Mr. Elliott's book occurs this statement:

From this time (St. George, 1808, and St. Paul, 1810) up to 1822, taking of fur seals progressed on both islands without economy and with slight circumspection, as if there was a race in killing for the most skins. Cows were taken in the drives and killed, and were also driven from the rookeries to places where they were slaughtered.

Mr. McGUIRE. Who made that statement?

Mr. CLARK. Mr. Henry W. Elliott is translating it here from Veniaminof.

The CHAIRMAN. Does not that sound pretty much like the language in your report?

Mr. CLARK. I do not see any similarity to it. I never mentioned the killing of cows—that is, in my report.

At the paragraph next to the bottom of page 140 is this:

After this, when it was plainly seen that the seals were, on account of this wicked killing, steadily growing less and less in number, the directions were observed for greater caution in killing the grown seals and young females, which came in with the droves of killing seals, and to endeavor to separate, if possible, these from those which should be slain.

In the first paragraph, cows were driven and killed; and young females are here killed. That is a translation of the official record of Russian conditions.

Mr. McGUIRE. A translation by Mr. Elliott?

Mr. CLARK. A translation by Mr. Elliott.

Mr. ELLIOTT. That is right.

Mr. CLARK. That Mr. Elliott did not misunderstand what Veniaminof was saying, I quote from a footnote on page 143, which is initialed by Mr. Elliott, "H. W. E.":

These suggestions of Veniaminof were, however, a vast improvement on the work as it was conducted, and they were adopted at once; but it was not until 1845 that the great importance of never disturbing the breeding seals was recognized.

That means that prior to 1845 the Russians disturbed the breeding seals, if language means anything.

The CHAIRMAN. Mr. Elliott suggests that the full quotation be read.

Mr. CLARK. It is as follows, and refers to a hypothetical table compiled by Veniaminof:

I translate the chapter of Veniaminof's without abridgement, although it is full of errors, to show that while the Russians gave this matter evidently much thought at headquarters, yet they failed to send some one on to the ground who, by first making himself acquainted with the habits of the seals from close observation of their lives, should then be fitted to prepare rules and regulations founded upon this knowledge. These suggestions of Veniaminof were, however, a vast improvement on the work as it was conducted, and they were adopted at once; but it was not until 1845 that the great importance of never disturbing the breeding seals was recognized.—H. W. E.

At page 166 Mr. Elliott says, referring to an old letter from a "Creole" agent of the Russian-American Co., on St. Paul in 1847:

This is interesting, because it is the record of the first killing on the seal islands when the females were entirely exempted from slaughter.

At page 167 Mr. Elliott comments further on this matter as follows:

Is it not exceedingly strange that he (Veniaminof) never thought, during all his cogitations over this problem, of the real vital principle—of letting the females entirely alone, of sparing them strictly? I think that the worthy bishop would have done so had he passed more time on the rookeries himself. I can not find, however, who the Russian was that had the good judgment, first of all men, to inaugurate a perpetual "zaposka" of the females on the Pribilof Islands; it was done in 1847 for the first time, and has been rigidly followed ever since, giving the full expansion in 1857 to that extraordinary increase and beneficial result which we observe thereon to-day.

The effect to which he is referring is that which he saw demonstrated on the rookeries in 1872–1874.

Mr. STEPHENS. I fail to see the bearing it has on the question at issue here.

Mr. McGUIRE. Mr. Elliott has contradicted himself in his two reports, pointedly and decisively.

Mr. CLARK. I wish to make another point. This is from the report of 1890 by Henry W. Elliott also.

The CHAIRMAN. You told us that people learn in this business as they get more experience.

Mr. CLARK. I would like to develop this point. It is very important.

Mr. STEPHENS. What is the date of the report from which you are reading?

Mr. CLARK. 1890.

Mr. STEPHENS. And the date of the other one was what?

Mr. CLARK. 1872-1874. In the 1890 report, the second paragraph on page 136 begins as follows:

A study of this killing throughout the "zapoooska" of 1834, on the St. Paul Island, shows that for a period of seven years, from 1835 down to the close of the season of 1841, no seals practically were killed save those that were needed for food and clothing by the natives—

This which follows is in italics:

*and that in 1835, for the first time in the history of this industry on these islands, was the vital principle of not killing female seals recognized.*

Then follow a few sentences that are not important, but the paragraph ends with this sentence:

This protracted driving after the breaking up of the breeding season by the end of July caused them to take up, at first, hundreds, and thousands later on, of the females in the same manner that they had been driven up during the last two seasons from 1889 and 1890; but they never spared those cows then, when they arrived in the droves on the killing grounds prior to this date, above quoted, of 1835.

Mr. Elliott says now that Veniaminof was full of errors and denies his own interpretations of Veniaminof and makes to your committee this positive statement, that—

it is a fact of indisputable record that the Russians never killed or disturbed the female seals on the rookeries of St. Paul and St. George Islands from start to finish of their possession of them.

The CHAIRMAN. If you are through with that, I want to call your attention to page 866 of appendix A, paragraph 2 on that page, which is a part of your report, and I will ask whether that is not almost identical with the complaint that the Russians made.

Mr. CLARK. It is difficult for me to carry out what I consider necessary in developing these important things if I am to be interrupted by extraneous matters in this way.

The CHAIRMAN. I thought you were through.

Mr. CLARK. If this translation which I have read of Veniaminof is at fault or is not correct, then I want to turn to what we may consider as a correct translation of Veniaminof. This is made by Prof. Raphael Zon, of the United States Forest Service. It was made last year, and it is submitted as an appendix to my report for 1912. It is a translation of the same article from which I quoted, the translation in the former case being by Mr. Henry W. Elliott.

The CHAIRMAN. Is this on the same subject and along the same line?

Mr. CLARK. I want to take a translation that is not repudiated and is vouched for by Prof. Raphael Zon, a Russian scholar, because Mr. Elliott has now repudiated his own translation.

Mr. ELLIOTT. I have not.

The CHAIRMAN. I do not want to string this out all the way. You claim you have contradicted Mr. Elliott at several points. What is the use of getting somebody's opinion in here that perhaps does not live any more?

Mr. CLARK. If Mr. Elliott denies his statement——

The CHAIRMAN (interposing). About a subject that really has no material bearing, in my judgment, on what we are discussing——

Mr. CLARK. It is put in here twice as an indisputable fact and it is the most vital fact of this book if it were true. The whole fur-seal difficulty at the present time turns on that. If the Russians killed only males, then you have a right to stop land killing and to say that land killing had something to do with the present state of our herd. If the Russians killed females, then the crisis through which the herd passed in 1835 was due to killing of females, just as the crisis through which the herd has passed in 1911 has been due to killing of the females by pelagic sealers on the high seas.

The CHAIRMAN. Is not the proposition that you are discussing now practically what you said in paragraph 2, page 866, Appendix A of your report?

Mr. CLARK. I do not see any similarity between the statements.

Mr. ELLIOTT. It is the same killing he described.

Mr. MCGUIRE. Mr. Chairman, this is developing the same point and the most material point of Mr. Elliott's statements. It is not only material to have him develop further this point or to give us all there is with reference to Mr. Elliott's contradictions as he sees them, but it is material, and very material, because it involves the question which we argued in the House at such great length, of the effect of pelagic sealing, and the further this point is developed the more light it throws not only upon Mr. Elliott's contradictory statements but upon the question of the killing of females through pelagic sealing at sea. I suggest that we be permitted to proceed with this.

The CHAIRMAN. I wish to say that I have seen about enough inconsistencies on the part of these scientists, who constantly dispute one another, and it is enough to make a man's headache. The only reason I suggest this is that we would like to get a limit in the discussion.

Mr. MCGUIRE. This is one of the most material points that has been up.

The CHAIRMAN. I suppose, as the old saying is, that we will get along quicker by going ahead.

Mr. MCGUIRE. We are trying to get at the facts of what the Russians did which have a bearing not only on Mr. Elliott's statements, but also on the question of pelagic sealing, which we argued in the House and which was discussed at some length by members of Congress who claimed that pelagic sealing was not responsible for the diminution of the herd. This is important information. We never have had any more important information than this one point.

The CHAIRMAN. We might as well go ahead with it, but I really do not see the materiality of it.

Mr. CLARK. Mr. Elliott, in his monograph did not completely translate Veniaminof's article. Prof. Raphael Zon has made a complete translation. At page six of Zon's manuscript, which is page 353 of the Zapiski article, occurs this statement; Veniaminof is defining the classes of seals:

Under the name of Kotiki, or gray pups, are classed the 4-months-old males and females which were born in the spring, and which form the largest and almost the entire quantity of seal used in the trade.

That is a positive statement by Veniaminof that the Russians killed the pups chiefly, and killed them, males and females.

At page 19 of Zon's manuscript, which is page 360 of the Zapiski article, occur these words:

Some years in September young pups form large pods and congregate in special places and lie so carelessly that they all can be driven off without leaving a single one behind. Such pods are very advantageous for the trade, but are the most ruinous for the increase of the herd.

At page 26 of Zon's manuscript, which is page 364 of the Zapiski article, occurs the following:

As soon as they are rested, the killing is begun with clubs. Small pups which were born the same summer are killed without discrimination, both males and females.

I showed from Mr. Elliott's translation that they killed cows and young females. Here is a charge by Veniaminof that they killed pups without discrimination, both males and females.

The CHAIRMAN. Was that for food or commercial purposes?

Mr. CLARK. Commercial purposes.

Mr. STEPHENS. That is, the Russians did this killing?

Mr. CLARK. Yes, the Russians did this killing.

Mr. STEPHENS. In what years?

Mr. CLARK. Prior to 1834. I am submitting it as evidence in dispute of what is called an "indisputable fact" to the effect that they did not kill females.

On page 28 of Zon's manuscript, which is page 365 of the Zapiski article, is this statement:

After the drives, which often take place as many as three times in the same place, the mother seals for several days roam around the shores, crying pitifully for their young.

Now, so much for the killing of females.

As to disturbance of the females, I wish to cite this description of the Russian methods of sealing, Zon's manuscript 23 (363):

After having chosen favorable weather and wind, irrespective of the time of day, all inhabitants—men, women, and children—arm themselves with small clubs with which they can kill seals, and walk in a line along the shore on which the seals are lying. Having cut off their retreat to the sea, they drive all the seals, without discrimination, inland. After having driven them some distance, they stop them, and begin to separate mother seals and sikatchi, the latter very seldom present, from the pups. The old mother seals, which have already been driven in this way, as soon as they notice a passage to the sea, go by themselves, but the young mother seals can not be driven from the herd at all where are found their young. Such, of necessity, are driven to the very killing ground. When the killing of the seals begins, some of these mother seals defend their children, and lie for a long time over the killed ones, so that it is necessary to use force in order to drive them into the sea.

The CHAIRMAN. They had the same habits then that they have now?

Mr. CLARK. Yes. And all these animals, young and old, are driven up in this heterogeneous mass, and then culled over; and I wish I could draw a picture of the injury to mothers and young that must have been done on the killing field.

The CHAIRMAN. I wish you would follow the field in another direction.

Mr. McGUIRE. Were you through, Mr. Clark, with your statement with respect to "indisputable fact No. 1"? Have you covered that point fully?

Mr. CLARK. Well, I submit that these two translations which I have read disprove the alleged fact. That is all. But I wish also

to answer certain charges against Dr. Jordan which are referred to here.

Mr. McGUIRE. I was going to ask you about that; so you may go ahead with your statement on that.

Mr. CLARK. At page 185 of this document is this statement; it is in large type:

Dr. Jordan deliberately falsifies the Russian record in re not killing female seals.

The CHAIRMAN. Page 185?

Mr. CLARK. Yes, sir,

Mr. McGUIRE. Who made that statement?

Mr. CLARK. Henry W. Elliott.

Mr. STEPHENS. Page 185 of what hearing?

Mr. CLARK. The first hearing—of January 17, 1914. At page 258 of the same report it is repeated in large type:

Dr. Jordan deliberately falsifies the Russian record in re not killing female seals.

On page 411, of the same report, it is stated:

Dr. Jordan falsifies Yanovsky's official report to the Secretary of the Treasury to justify the untruth stated in re "Russian killing of male and female seals alike."

That, I submit to this committee, is a serious charge to make against a man of the eminence and character of Dr. Jordan. Let me quote what Dr. Jordan did say, from page 25 of his report.

Mr. STEPHENS. What is the date of report?

Mr. CLARK. It is for 1896 and 1897. (Reading:)

They, however, attempted to limit the extent, rather than reform the character of the slaughter. They still continued to kill males and females alike.

Dr. Jordan based that remark on these quotations that I have read to you. I submit that he was justified in making that statement—that the Russians killed the fur seals, male and female alike.

Mr. STEPHENS. Who is it that is referred to there as having killed them?

Mr. CLARK. The Russians, prior to 1834.

Mr. McGUIRE. Then Dr. Jordan agrees with the official Russian report?

Mr. CLARK. Yes.

Mr. McGUIRE. With respect to the manner in which the Russians killed the males and females?

Mr. CLARK. Yes.

Mr. McGUIRE. And it is in his agreement with that report that Mr. Elliott said that Dr. Jordan had falsified the records; is that the fact?

Mr. CLARK. That is it. He makes also a specific reference here to a quotation which Dr. Jordan made in his next paragraph, on page 25. Dr. Jordan is quoting from the report of a Russian agent, Yanovsky, in 1820, and the quotation is this:

If any of the young breeders are not killed by the autumn, they are sure to be killed in the following spring.

Mr. McGUIRE. Whose statement is that?

Mr. CLARK. That is the statement which Dr. Jordan quotes from Yanovsky, a Russian agent.

The CHAIRMAN. That was about 1820, was it not?

Mr. CLARK. 1820; yes.

The CHAIRMAN. Can you read Russian?



Mr. CLARK. No; I can not. On page 186, to take one of these three instances, Mr. Elliott says:

In this connection it is also passing strange that Dr. Jordan should have gone out of his way to misquote another authority who has explicitly denied the killing of female seals by the Russians. On page 25 Dr. Jordan's own statement is—

and I have read that. Mr. Elliott goes on to say:

Unfortunately for Dr. Jordan, he has not quoted Yanovsky correctly. He has deliberately suppressed the fact as stated by this Russian agent, and put another and entirely different statement in his mouth.

Then follows a quotation, in which the word "bachelors" is used, instead of the words "young breeders," which Dr. Jordan used.

The CHAIRMAN. Why do you not read the quotation while you are at it; because here is the original from which it is translated?

Mr. CLARK. I would like to save time, but I want to read it from the reference which Mr. Elliott gives, from the original of the book.

The CHAIRMAN. I know; but you have used the commentary; why not read the original?

Mr. CLARK. I want to read this quotation from its source; I was the secretary, and I got the quotation, and that is why I am answering it.

Mr. McGUIRE. I submit, Mr. Chairman, that if he wants to read the quotation from Mr. Elliott's report, he should be allowed to do so.

The CHAIRMAN. But he commented on this [indicating paper in chairman's hand].

Mr. McGUIRE. Not on the same thing?

The CHAIRMAN. Yes; he says the quotation is false.

Mr. CLARK. Now, at the bottom of this quotation by Henry W. Elliott it has the reference, "Appendix to United States Fur Seal Arbitration; Letter No. 6, page 58, March 15, 1821." That is supposed to be a reference conclusively proving that Dr. Jordan, when he said "young breeders," instead of "bachelors," falsified the report of the Russian agent.

The CHAIRMAN. But is it not a fact that he means to state that Dr. Jordan did not correctly report what this man says?

Mr. CLARK. That is exactly what I want to get at.

Here is volume 2, and it is the Case of the United States, Appendix 1, and it is at page 58, this very letter, which is dated March 15, 1821. The words are:

Consequently, only the old breeding animals remain, and if any of the young breeders are left alive in the autumn, they are sure to be killed the next spring.

That is the quotation as Dr. Jordan used it.

Now, I have quoted from the book which Henry W. Elliott gives as his authority, and it confirms Dr. Jordan absolutely.

Mr. McGUIRE. The Elliott quotation is not an accurate quotation of Dr. Jordan, is it?

Mr. CLARK. Not at all.

Mr. McGUIRE. They are entirely different?

Mr. CLARK. Yes. I wish to say there is a second translation of this letter, which appears in the British Counter case. Dr. Jordan was well aware of that translation at the time; but he considered the American translation superior. The British translation uses the word "bachelor" instead of "young breeders." But the point I want to get at is that Dr. Jordan is charged with falsifying a record



and altering a quotation, while the reference itself disproves the charge. This charge of falsification against Dr. Jordan is not founded in fact, and is untrue.

The CHAIRMAN. Then would you suppose that there is one side of this that supports Mr. Elliott's theory and another side that supports the Jordan theory?

Mr. CLARK. There is nothing here to indicate that.

The CHAIRMAN. Now, I am informed by Mr. Elliott that he has the original letter here, and that he can translate it himself, and knows just exactly what it contains.

Mr. CLARK. I had a Russian scholar by the name of M. Lippett Larkin, an instructor in Stanford University, translate this letter from the fac simile——

The CHAIRMAN. Mr. Clark, you see we get into interminable trouble by going along the way we do.

Mr. McGUIRE. But here is the point. Mr. Elliott makes a direct accusation against Dr. Jordan, and the most favorable construction that can be placed upon it, so far as Mr. Elliott is concerned, is that it is simply a disputed question as to the proper translation. Either that is true or Mr. Elliott willfully makes a misstatement. So that is the idea developed on these two points. There are two translations; Mr. Elliott takes one and Dr. Jordan takes the other. Mr. Elliott takes one translation and says that Dr. Jordan was willfully falsifying in making a certain statement, when reference to the translation used by Dr. Jordan makes his statement absolutely true.

The CHAIRMAN. Yes; and the witness would like to convince the committee that Mr. Elliott makes willful misstatements; so that we are getting out the same end either way.

Mr. McGUIRE. Well, we can argue that later, when we come to make our report—and I have some well-defined ideas about that.

The CHAIRMAN. Well, I only made that remark because we are getting at nothing.

Mr. McGUIRE. But this is certainly important, Mr. Chairman, because it shows that Mr. Elliott took one translation and Dr. Jordan took the other.

Mr. STEPHENS. I would like to ask, for my own information, what is the difference between a "bachelor" and a "young breeder"?

Mr. CLARK. A "bachelor" is a young male; and a "young breeder" would mean either a male or a female.

Mr. STEPHENS. You would have to couple the two when it says "the breeding animals remain"; that means both male and female?

Mr. CLARK. The statement is—only the "old breeding animals remain"; then, that if not killed in the autumn, the "young breeders" are sure to be killed in the following spring.

Mr. STEPHENS. What is a young animal?

Mr. CLARK. One under 4 months old.

Mr. STEPHENS. Suppose they are 3 or 4 years old?

Mr. McGUIRE. Excuse me, Mr. Stephens, but I think members of the committee do not clearly distinguish between a bachelor and a young breeder. Will you explain that, Mr. Clark.

Mr. CLARK. The point is that the "young breeder" would be either a female or a male, where a "bachelor" would be just a male, and could not be anything else.

Mr. STEPHENS. Possibly that is the difficulty between Mr. Elliott and Dr. Jordan.

Mr. CLARK. But the point I want to get clear before this committee is that Dr. Jordan is accused of taking this translation out of this book [indicating book in witness's hand] by specific reference and willfully mistranslating it or misstating it.

Now, your committee has given honorable publication to that slander against Dr. Jordan in three places in this record, and all I want to do is to answer it. I have done so by Mr. Elliott's own reference, which I have read to you, and which supports Dr. Jordan absolutely.

The CHAIRMAN. The committee has not given any honorable publication to those reports. They were simply received and ordered to be printed as part of the hearings.

Mr. McGUIRE. Yes.

The CHAIRMAN. Which leaves the matter open to explanation. There was no intention of publishing anything against anybody. The committee wants to clear the matter up and do justice to everybody concerned—and we could do that if these scientists did not confuse us too much.

Mr. CLARK. That is what I am here to explain. I call the attention of the committee to the fact that this document comes to the president of Stanford University, California, with the frank of the chairman upon it; it comes to the professor of Germanic literature, and to the professor of zoology at the Stanford University, under the frank of the chairman, and to the president of our board of trustees.

The CHAIRMAN. Well, that was just to give them notice of it.

Mr. CLARK. It is, however, a pretty hard thing to tell a man that he has falsified a record when the reference which the man who makes the charge against him uses supports absolutely the man against whom the charge is made.

I would like to call attention to the fact of this. Here is a clipping from the Minneapolis Journal, a newspaper of my own home city.

Mr. McGUIRE. Of what date?

Mr. CLARK. Of January 25, 1914. The heading of it is:

Seal scandal likely to lead to court action. House committee likely to begin suit to recover \$30,000,000 damages. Immense profit by illegal sealing. Federal officials charged with permitting violations of law. Accounting called for. Men alleged to have been permissible called upon for explanation.

The CHAIRMAN. Well, you see these were only reports and statements submitted; and the committee took official action that nothing could be done except to receive the reports and print them as part of the hearings. That left it open for explanation. Nobody intended to charge anybody with anything so far as the committee is concerned.

Mr. CLARK. But there were four columns of this from the New York Times, in which these charges were made, and the people of the country, as shown by these clippings [indicating papers in witness's hand] have invariably taken it as a charge against Dr. Jordan, which Dr. Jordan may have to meet, and may suffer court action for.

The CHAIRMAN. But there has not been an intimation on the part of the committee, that I know of, that anybody was to be arrested—except that we filed a formal report of this committee, in which the committee recommended that civil proceedings ought to be started

against men who may have violated the law. But there was no reference to any criminal action at all.

Mr. McGUIRE. By the way, Mr. Chairman, there was a minority report in that case.

The CHAIRMAN. Yes; you filed a minority report.

Mr. McGUIRE. Has the Department of Justice ever paid any attention to the report of the majority of the committee?

The CHAIRMAN. No; you see there was no action taken on it in the House.

Mr. McGUIRE. But has it been called to the attention of the Department of Justice?

The CHAIRMAN. No; not at all. You see, even the administration has changed since then.

Mr. McGUIRE. But certainly that would not stop justice, would it? [Laughter.]

The chairman will not concede that that will prevent justice, will he?

The CHAIRMAN. No; but I mean there is nothing down there in the department now. So far as this committee is concerned there was no hint to the Department of Justice on the part of the chairman in the formal report that such a thing ought to be done. We considered that it was practically ended when the House could not act on the report, because it did not have time enough in which to act.

Mr. McGUIRE. Yes; I can see that it was ended, too. I supposed the investigation was through with; and this is all made necessary by Mr. Elliott being sent up there—the very man who made the charges—being sent up there to find the truth.

The CHAIRMAN. No. I will tell you; it was made necessary by some people who wrote letters to the committee and suggested that an injustice was done, and so on; and I considered, for one, that if anybody thought an injustice was done, we ought to go into it and reach the bottom of it and clean it out, so that nobody would have any cause for complaint. The fact of the matter is that this seemed to be a regularly organized movement over in New York, headed by Madison Grant, who states that the committee's report was malicious in the former committee.

Mr. McGUIRE. I did not know anything about that. Was there any former action?

The CHAIRMAN. That it was untruthful, false, and malicious. And if there is anybody who thinks that he was harmed, the time to say so and explain why and how is just now, while this question is up; and I think the matter ought to be cleared up until we touch the bottom.

Mr. CLARK. How can we recall the spreading of these charges all over the country, attached to the names of Dr. Jordan, Dr. Stejneger, Dr. Lucas, and myself? How can we recall it?

Mr. McGUIRE. You will get used to that when you get into politics. [Laughter.]

The CHAIRMAN. Yes.

Mr. McGUIRE. Mr. Chairman, at this juncture I suppose it will be the proper time to inquire whether there was ever any formal action of the committee sending Mr. Elliott to Alaska?

The CHAIRMAN. Yes; we had a regular meeting and did so by resolution.

Mr. McGUIRE. That is all news to me; I did not know it.

The CHAIRMAN. Are there any other questions?

Mr. McGUIRE. Yes; I want to examine Mr. Clark further. Now, there has been something said about some letters—the Madison Grant letters. What have you to say about those?

Mr. CLARK. I did not quite intend to enter into that, but——

Mr. McGUIRE (interposing). I want to know about that.

Mr. CLARK. But it was brought in in my examination. The Madison Grant letters—that is something of a story.

Dr. Jordan received a letter from Madison Grant which contained the franked envelope of a Member of Congress, and a copy of the Congressional Record it contained, a speech by a Congressman, on which there were notations—scurrilous notations injurious to Dr. Jordan.

Mr. McGUIRE. Have you any of those notations with you, or those documents?

Mr. CLARK. The documents are in the hands of the Secretary of Commerce. I put them together and loaned them to him for some use to which he wished to put them, and they have not yet been returned to me.

But this document had been mailed—we had received several copies of it under the frank of other Congressmen; but Madison Grant had received, in conjunction with it, a postal card signed by Henry W. Elliott, with some writing on it which corresponded exactly to the writing on the edge of the Congressional Record.

Mr. McGUIRE. That was inclosed to these parties?

Mr. CLARK. Yes; but the envelope itself was in an entirely different handwriting, a very peculiar handwriting. Mr. Grant's idea was that Dr. Jordan had a case against either the Congressman or the authorship of the writing, which he felt was established by this signature and copy. The thought was that here was a Government document with private remarks of a revengeful nature on it, and it had been circulated under the frank of a Congressman.

Mr. STEPHENS. I would like to know who that Congressman was whose frank was used?

Mr. CLARK. I would rather not be specific.

Mr. STEPHENS. It was not mine, was it?

Mr. CLARK. No.

Mr. ELLIOTT. It was William S. Goodwin, of Arkansas. He authorized me to send it; he had good reasons for it.

Mr. McGUIRE. Were there not several franks of Members used?

Mr. CLARK. In the course of time there were, but these were all, I believe, mailed under one Congressman's frank. But in the end we had a good many samples. Dr. Jordan put them together and mailed them to the post-office authorities at Washington, asking that the matter be looked into to see if anything could be done about it. At the end of two months the documents were returned to us with the statement merely that the postal authorities had finished with them.

The handwriting on the Madison Grant envelope was very peculiar, and it clung in my memory. I looked up some correspondence that I remembered in our university files of seven or eight years previous, and I found that certain letters which were signed "Junius," written on the stationery of a hotel in Cleveland, Ohio, were in the same hand.

These were addressed to Mrs. Stanford, or to members of our board of trustees, perhaps. They were letters designed to disparage Dr. Jordan, and the handwriting was the handwriting on the Madison Grant envelope.

About that time there began to appear in the press of the East—notably in the New York Times and in the Washington Star—letters signed by “Amos Allen.” One of them was written from Rutherford, N. J., and it criticised in a mean way Dr. Jordan. He wrote to Rutherford, N. J., to Amos Allen, and the letter came back unopened. The language in these press letters was very similar to the language in the “Junius” letter, and we suspected that there was a connection between the two; but that was all we could get at the time. A letter addressed to Amos Allen, in care of the Washington Star, was also returned.

But while this was under discussion, there came to me a letter written in this same peculiar handwriting and signed by “Amos Allen.” It was written on the stationery of a Congressman from Colorado, and the writer stated that he was from Colorado, a ranchman near Greeley. He criticized my statements regarding fur seals, as if I was not informed, and he vouched for his own information on the subject that he had been a next-door neighbor to Col. Joseph Murray, who was chief agent on the islands, and had talked with him.

I replied to Amos Allen and I sent a copy of my letter to the Congressman from Colorado, calling attention to and assigning as my reason for addressing him the fact that the letter had come to me written on his stationery. He said that he knew no one by the name of Amos Allen and no one by that name had authority to use his stationery in that way. In the meantime I got a second letter from Amos Allen—

Mr. GUIRE (interposing). Was that letter on the Congressman's stationery franked?

Mr. CLARK. No.

Mr. McGUIRE. It was just on his stationery?

Mr. CLARK. Yes; the postage was paid on it.

Mr. McGUIRE. I see.

Mr. CLARK. This second letter stated that Amos Allen was returning to Colorado. I wrote then to him in Greeley, Colo., and I wrote also to a friend in Greeley, asking him about Amos Allen; I received a reply that he was not known there. But later on it was discovered there had been an Amos Allen there 10 years previously, and that he had moved to Keokuk, Iowa. A letter to Amos Allen at Keokuk, Iowa, was returned unopened. The Amos Allen letters had, however, given a street address in Washington, 210 Delaware Avenue, and I sent a copy of one of the letters to the Bureau of Fisheries. Perhaps I sent the original letter.

Mr. McGUIRE. That was the Amos Allen letter?

Mr. CLARK. Yes. And I understand, indirectly, that the Bureau of Fisheries communicated with 210 Delaware Avenue, and did not find that anybody of the name of Amos Allen was there, but that it was the boarding house of Mr. Henry W. Elliott.

As one of the reasons for his knowledge of fur seals, Mr. Allen said that he was a relative of Dr. Joel A. Allen, of the American Museum of Natural History, who is an authority on the seal. I wrote to Dr.

Joel Allen, and found that he was in Europe. A reply came from his assistant, Mr. Roy C. Andrews, to the effect that Amos Allen was not a relative of Dr. Allen, but that he knew who Amos Allen was, namely, Mr. Henry W. Elliott. He sent to me two letters written to him, one by Amos Allen and another by Henry W. Elliott, which he believed connected Mr. Elliott with this correspondence.

Now, while the debate in the House was on over the omission of the agents from the appropriation bill——

The CHAIRMAN (interposing). Well, one moment, before you go any further. Do you know that Dr. Jordan sent a telegram to the Members of the House of Representatives, while the discussion was going on in the House, about having a closed season, stating that Henry W. Elliott was the chief instigator of this legislation and that he had been for 20 years the head of the Pelagic Sealers' Association?

Mr. CLARK. I have seen such a telegram in the——

The CHAIRMAN (interposing). Did you write it for him?

Mr. CLARK. No.

The CHAIRMAN. Did you see it?

Mr. CLARK. I presume I did.

The CHAIRMAN. Did you see my answer, when I informed Dr. Jordan that this committee would be very much interested if he could give me, as Chairman, the authenticity or proof that Mr. Elliott was at the head of the Pelagic Sealers' Association—the pelagic sealers' lobby—the word "lobby" was used; that he had been such for 20 years; and that Dr. Jordan replied to me by wire that he could not do it, that it was only a matter of inference?

Mr. CLARK. No; I do not know anything about that.

The CHAIRMAN. And yet his telegram was read in the House of Representatives to influence legislation. Did you know that that was done?

Mr. CLARK. I have read about that telegram in the hearings; yes.

The CHAIRMAN. No; about my asking him for the sources of his information, so that the committee might have the benefit of it here, as well as the Members of the House?

Mr. CLARK. I do not recall that.

The CHAIRMAN. Well, I have the papers in my possession.

Mr. CLARK. Yes.

The CHAIRMAN. And with the permission of the committee, I will embody them in the hearings.

(The papers referred to are as follows:)

PALO ALTO, CAL., *February 14, 190—.*

To Hon. JNO. H. ROTHERMEL,

*House of Representatives, Washington, D. C.:*

Pelagic sealing interest only one favored by proposed prohibition of land killing. No question as to this lobby and its leadership, but no direct evidence that anybody received pay for this work. Twenty years of active lobbying against legitimate interest of fur-seal herd and directly favoring pelagic sealers is legitimate ground for interference [inference].

DAVID STARR JORDAN.

Mr. McGUIRE. Were you through with your questions, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. McGUIRE. Then, will you proceed with your statement, Mr. Clark?



Mr. CLARK. There came to me under the frank of Senator Burnham, a report of the debate on the elimination of the agents' salaries from the appropriation bill, and on that document were certain remarks about Mr. Lembkey, and about Secretary Nagel. I remember that the statement was that Secretary Nagel stood up for his men; but they were let out just as he was let out at the November election.

Mr. McGUIRE. In whose handwriting was that?

Mr. CLARK. That was in the handwriting of Henry W. Elliott. It closed with a Latin phrase, "Sic transit gloria Nagelius."

But the superscription of this letter was in a disguised, print handwriting, and was addressed to the "Academic Secretary, Stanford University, Palo Alto, California." I wrote to Senator Burnham, stating that I felt the receipt of a document like that under his frank was something that ought to be explained. I received a telegram from him to the effect that the use of his frank for that purpose was wholly unwarranted—by Mr. Henry W. Elliott or anybody else.

I believed that here was a case where Mr. Henry W. Elliott could be made responsible, because we had the repudiation of the act by the person whose frank was used.

The CHAIRMAN. Well, that is neither here nor there, because that is not in issue before this committee. But let me ask you—because you have stated that you saw the telegram which Dr. Jordan sent to the Members of the House of Representatives while this bill was up on the floor for discussion, to have a closed season for seals—do you know that Mr. Elliott was at the head of the pelagic sealers' lobby?

Mr. CLARK. I do not know anything about that.

The CHAIRMAN. Did you ever talk to Dr. Jordan about it?

Mr. CLARK. I do not recall whether we talked about it or not; but that, of course, was Dr. Jordan's telegram.

The CHAIRMAN. Well, do you think that was eminently proper for the great scientist and the head of this great university to send a telegram to Congress to influence legislation if he could not give the source of his information?

Mr. CLARK. It was very difficult for us to understand—

The CHAIRMAN (interposing). One moment, now. You have praised Dr. Jordan. Do you think that was the right thing to do?

Mr. CLARK. I think under the circumstances it was all right.

The CHAIRMAN. If it was not true?

Mr. CLARK. It has not been denied.

The CHAIRMAN. Well, he could not give me the information even when I telegraphed to him.

Mr. CLARK. That, of course, would be a long history, because Dr. Jordan and I have been—

The CHAIRMAN (interposing). No; it is not a question of history. I was very much disappointed in Dr. Jordan when I saw it; and I immediately telegraphed him and told him that his telegram was circulated in the House of Representatives, and that he ought to give me the source of his information, because I wanted to know; but his answer came back that he could not do it.

Mr. CLARK. That it was inference.

The CHAIRMAN. Yes; he made some statements and said that it could be inferred.



Mr. BRUCKNER. Did the original telegram state it as a fact, Mr. Chairman?

The CHAIRMAN. Oh, yes; that Mr. Elliott was at the head of the pelagic sealers' lobby for more than 20 years.

Mr. BRUCKNER. Stated that as a fact?

The CHAIRMAN. Yes; and it was circulated in the House.

Mr. CLARK. Regarding that I would say this: After 12 years of struggle, Dr. Jordan and I were gratified to find that a treaty had been concluded with Great Britain, Japan, and Russia to end pelagic sealing on the 7th of July, 1911. We thought then that the fur-seal herd was saved. Within 10 days afterwards we were surprised to find a resolution offered on the floor of the House—I believe by the Hon. John H. Rothermel—to suspend land sealing for 15 years. The treaty suspending pelagic sealing had for its consideration that we should share with Great Britain and Japan a land catch, 15 per cent to each.

The CHAIRMAN. Yes. What has that to do with the matters under discussion?

Mr. CLARK. I think that it has much to do with this telegram that you speak of. Now, that was —

The CHAIRMAN (interposing). Well, was that to notify Congress that there should not be a closed season?

Mr. CLARK. It was a resolution in Congress asking for a close season of land sealing for 15 years, the full life of the treaty; and that resolution if it had been carried through, would have nullified the treaty; it would have caused the abrogation of the treaty.

The CHAIRMAN. But do you not know it to be a fact—and Dr. Jordan knew it to be a fact—that the Committee on Foreign Relations had already recommended a closed season of only 2 years when the telegram came? Now what is the use of bringing that in?

Mr. CLARK. It would make no difference what the source was. I want to point out to you Dr. Jordan's frame of mind at the time.

The CHAIRMAN. Yes—when that Committee had already recommended only two years, and you thought that others did it. I thought it ought to be done.

Mr. McGUIRE. Was that the committee which had taken action, or had Congress already taken action on the committee's report?

The CHAIRMAN. It was up in the House for adoption.

Mr. McGUIRE. But did you say that Congress had or had not taken action on that committee's report?

The CHAIRMAN. No; I say it was reported by the committee, and when the matter was under discussion, I think the telegram was handed around, and I believe was read by Mr. Sulzer, so there is no use trying to get back to my resolution. When my resolution was introduced, the Committee on Foreign Relations had taken up the subject, and that was the situation when I introduced my resolution.

Mr. CLARK. I wanted to explain further Dr. Jordan's position. Any act to cut off the land sealing for 15 years would have been a repudiation of our obligations under that treaty. There could be only one class of people interested or benefited by that act, and that was the pelagic sealers. If the abrogation of that treaty was caused through our failure to meet its obligations, pelagic sealing would have been immediately resumed.

The CHAIRMAN. Yes.

Mr. CLARK. And this herd would be going down grade now.

The CHAIRMAN. Yes. I am not going to get into any dispute with you about matters of immateriality. The question here is simply whether Dr. Jordan sent such a telegram, and now you say you know all about Dr. Jordan's frame of mind when he sent the telegram, but awhile ago you said you did not know whether you ever talked with him upon the subject.

Mr. CLARK. About sending it?

The CHAIRMAN. About sending those telegrams.

Mr. CLARK. But your specific question was, whether I discussed with Dr. Jordan the question whether Mr. Elliott was at the head of the fur-seal lobby.

The CHAIRMAN. I asked you whether you discussed that subject with Dr. Jordan, and you said you did not think you did.

Mr. CLARK. I am not now saying that I discussed that subject with Dr. Jordan, but I am trying to explain to you the point of view—

Mr. BRUCKNER (interposing). Did you discuss it with him?

Mr. CLARK. No, I did not. I am trying to explain the point of view—

Mr. BRUCKNER. But did you discuss it with him?

Mr. CLARK. No, I did not. I am explaining Dr. Jordan's point of view which was my own. I could not understand that resolution or the action of the House and Senate in making a 10-year closed season, unless there was some influence working for pelagic sealing back of it.

The CHAIRMAN. That would cause a man to send a falsehood to Congress, would it not?

Mr. CLARK. Well, if it has been denied, I have not seen it.

Mr. McGUIRE. I would like to have Mr. Clark go ahead with the statement of Senator Burnham—the Senator's repudiation of the frank.

Mr. CLARK. Last April, in conversation with Secretary Redfield, it developed that he, too, had had letters from Amos Allen, and he became interested.

Mr. McGUIRE. Secretary Redfield has received letters, too, from Amos Allen?

Mr. CLARK. Yes; and he became interested in my letters from Amos Allen, and he asked the privilege of taking all these documents that I had and using them for a time, and I put them in order and turned them over to him. That is the end of my knowledge regarding them. They are supposed to be in the hands of Secretary Redfield. I told him that he might keep them until he was through with them, but that then I wished them returned ultimately, because two of the letters were from the university files.

Mr. McGUIRE. I want to ask you whether the Secretary asked you for those letters while the question of the confirmation of the present head of the Fisheries Bureau was up in the Senate?

Mr. CLARK. As I recall it, the nomination was under consideration; and I remember that the confirmation was made, or notification of it came to me, in the Minneapolis papers on my way to California, so that it must have been while that matter was under consideration.

Mr. McGUIRE. Do you know whether Mr. Elliott was fighting that confirmation?

Mr. CLARK. I understood, indirectly, that he was; but I have no very positive information about it.

Mr. McGUIRE. Now, you say that Senator Burnham said that no one had authority to use a franking privilege with his frankable envelopes?

Mr. CLARK. That was the purport of his telegram.

Mr. McGUIRE. And that the matter franked to you in writing was in the handwriting of Mr. Henry W. Elliott?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. In the envelope of Senator Burnham?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. And franked?

Mr. CLARK. Franked, yes. The envelope, of course, and the document in it.

Mr. McGUIRE (interposing). Yes; and those documents are now in the hands of Secretary Redfield?

Mr. CLARK. Yes.

Mr. McGUIRE. Do you regard branding as a feasible method of marking?

Mr. CLARK. I do.

Mr. McGUIRE. You said something about 1,060 dead pups which you found in 1912. How do you know that the 1,060 dead pups you found in 1912 and the 1,465 that you found in 1913 were for the most part trampled? I think you said they were trampled.

Mr. BRUCKNER. Pardon me; may I ask a question there?

Mr. McGUIRE. Certainly.

Mr. BRUCKNER. Is the hide or skin of a dead pup as good as the hide or skin of a seal that was slaughtered?

Mr. CLARK. No; it is not. The pup is born with a black coat of hair only, and it sheds that coat after about two months. The fur starts later and the pup grows a new coat of silver-gray hair, which is the permanent winter coat.

Mr. BRUCKNER. That is what I wanted to know.

Mr. McGUIRE. Now, you can answer my question.

Mr. CLARK. Well, in 1912 Mr. M. C. Marsh was chief naturalist on the fur seal islands. He and I were specially charged with investigation of mortality among the pups. There has been a good deal of difference of opinion regarding the causes of natural mortality. In 1896 we found 11,000 dead pups on the rookeries, and we found in 1897 that one of the large contributing causes was the hookworm, which was assigned as the chief cause of the death of pups on sandy areas.

In 1896 we had thought trampling by fighting bulls was the important cause, because in that year there was a tremendous amount of fighting, and we did not know or did not get at the subject early enough to determine about the worm. In 1912 we were required to find whether the worm was still in existence or not, and then determine what were the other causes, in so far as it was possible. As the herd was then small, we were able to get down to facts. We discovered immediately a new cause of death operating among the pups—I mean new to us. It was that many of the pups were smothered at the instant of birth. We determined that by the fact that the large intestine was full of prenatal fetal matter, and the lungs, not having

had air in them were heavy and would sink in water. Those were the two factors by which we determined. We could get these indications even from the rotten pups.

So we went over the rookeries with those facts in view, and found that smothering at birth was a large cause of death, due simply to the ordinary crowding of the animals on the rookery. The mother seal pays little attention, compared with ordinary animals, to the birth of her pup. Another cow might lie upon its head, and it might never establish breathing.

That impressed upon Mr. Marsh and myself the undesirability of any increase of confusion on the rookeries. As an outgrowth of this information comes my energetic protest against this law, which, if carried out, will put 95,000 bulls on those rookeries, where not more than 10,000 can be used. The result of the fighting of the bulls with one another will cause incalculable loss in pups on the rookeries.

Mr. STEPHENS. In order to avoid that, Mr. Clark, I understand that you desire that the yearlings be killed?

Mr. CLARK. Not the yearlings. I desire that the 3-year-old males be killed, so as to leave just half as many 3-year-olds each year as there were active bulls the preceding year. All the other 3-year-olds should be killed.

Mr. STEPHENS. When is a seal of full age?

Mr. CLARK. The female bears her first pup at 3 years old. The male, of course, does not develop his full strength until he is 7 or 8 years old.

Mr. BRUCKNER. Has he the same weight at 3 years as at 7 or 8?

Mr. CLARK. Not at all; his weight is only 75 or 80 to 90 pounds at 3 years, but at the age of 7 he weighs 400 to 500 pounds.

Mr. BRUCKNER. Yes.

The CHAIRMAN. Mr. McGuire, have you finished with your questions?

Mr. MCGUIRE. No; I have a number more; I can not tell how long it will take. I am trying to avoid a reiteration, and at the same time trying to develop some of these important facts.

(Thereupon, at 3.55 p. m., the committee adjourned until to-morrow, Tuesday, February 24, 1914, at 10.30 o'clock a. m.)

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
*Tuesday, February 24, 1914.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

The CHAIRMAN. Before we proceed with the examination, Mr. McGuire, I want to call attention to a fact which seems to me was misunderstood yesterday. If you will open the hearing No. 1 at page 416 you will remember that we had trouble with that date of July 25, 1897. It looked as if Jordan was quoted as saying, "In 1897," but if you turn back to page 415 the date is 1896. "Jordan denies seeing any yearling seals on the hauling grounds up to July 25, 1896." This 1896 evidently is a mistake of the printer. It is correctly stated on the page following. It is 1896 instead of 1897. I

just wanted to call the committee's attention to that, because there is a discrepancy there which seems to be apparent.

Mr. McGUIRE. I do not know about that. Let me see it. Whose statement is that?

Mr. ELLIOTT. Mine. Then I quote him, and then on the next page I quote him again.

Mr. McGUIRE. What do those stars indicate?

Mr. ELLIOTT. I leave out the rest of it and come down to the yearlings. I do not want to deceive the committee.

Mr. McGUIRE. That is all about that, unless Mr. Clark has something to say about it.

Mr. CLARK. I do; certainly I shall have something to say about it.

The CHAIRMAN. Now, turn to hearing No. 12, pages 771, 772, 763, and 764. On page 763 there is a letter dated November 3, 1909, Lakewood, Ohio, addressed to Dr. David Starr Jordan, Stanford University, California, from Henry W. Elliott. On page 764 there is an answer written dated November 6, 1909.

Mr. ELLIOTT. No; my letter is the answer to Jordan's. The first letter is on page 764, dated November 6.

The CHAIRMAN. That is to you.

Mr. ELLIOTT. That is to me and my answer follows on page 763.

Mr. CLARK. That letter is dated November 3.

Mr. ELLIOTT. No; that is a printer's misprint. It should be November 13. That is in answer to Dr. Jordan's letter.

The CHAIRMAN. I have extracts here which I desire to read to the witness, and then, if it is necessary to go into the whole letter we will do so.

#### TESTIMONY OF MR. GEORGE A. CLARK—Continued.

Mr. STEPHENS. What is the first letter?

The CHAIRMAN. November 6, 1909, page 764, Jordan to Elliott. (Reading):

LELAND STANFORD JUNIOR UNIVERSITY,  
Stanford University, Cal., November 6, 1909.

Mr. HENRY WOOD ELLIOTT,  
Cleveland, Ohio.

DEAR SIR: I have received from the Bureau of Fisheries a letter from you to Secretary Nagel, concerning the authorship of a chart which was inserted in my preliminary report on the fur seals in 1896.

Now, the last paragraph is as follows:

I take this opportunity to express the hope that you may approve of the effort to establish a *modus vivendi* for a time, without killing on land or sea, until the matter of pelagic sealing can be finally settled. To lease these islands again as things are would be a farce. I see some hope that an energetic discussion with Japan would be successful and the Victoria people are anxious to realize on their rights.

Very truly, yours,

DAVID STARR JORDAN.

Now, Mr. Clark, did you assist Dr. Jordan in preparing and writing this letter?

Mr. CLARK. In the second paragraph it seems to indicate that, because I am said to have refreshed his memory about the existence of a chart which was under discussion also. I presume that I helped him to write the letter.

The CHAIRMAN. Now, then, the answer of Henry W. Elliott is dated No. 17 Grace Avenue, Lakewood, Ohio, November 3.

Mr. ELLIOTT. That is on the page preceding. It is a printer's error.

The CHAIRMAN. It should be November 13. It is found at 763 of hearings No. 12, Sixty-second Congress, and reads as follows:

Dr. DAVID STARR JORDAN,  
*Stanford University, Cal.*

DEAR SIR: Your letter of the 6th instant has been duly received. With regard to that appearance of my track chart in your report of 1896 you seem to be not quite clear in your mind as to how it got in there as it did. Perhaps the following statement of fact may help you to know its publication there without that credit given to me as its author which is indisputably mine.

Now, the last paragraph of the letter is as follows:

With regard to the suspension of all killing on the islands and in the sea for an indefinite number of years, I am doing all I can to bring it about, as you suggest; but all private interests must be at once and entirely eliminated from both sides, and any future killing at sea prohibited forever.

With regard to the "rights" of those Victorian sea wolves, I hope that they will never get a penny for their rotting vessels or their "good will." They have had far, far too much already at the expense of humanity and decency. Let their vessels rot, and let their owners rot with them.

Very truly yours,

HENRY W. ELLIOTT.

Do you know whether Dr. Jordan received this letter?

Mr. CLARK. In all probability he did.

The CHAIRMAN. Then on February 5, 1912, pages 771 and 772, at the foot of page 771 appears the following telegram alleged to have been sent by David Starr Jordan to Hon. William Sulzer, House of Representatives, Washington, D. C., and reads as follows:

PALO ALTO, CAL., *February 5, 1912.*

Hon. WM. SULZER,  
*House of Representatives, Washington, D. C.:*

To incorporate a clause establishing in fur-seal bill a close season prohibiting killing of superfluous males would do no good to herd, but would kill treaty. No one knows this better than the pelagic sealers' lobby, which for 20 years has been led by Henry W. Elliott.

DAVID STARR JORDAN.

Do you know anything of the sending of that telegram to Mr. Sulzer?

Mr. CLARK. Yes; as I said yesterday, I recognized this telegram was sent by Dr. Jordan.

The CHAIRMAN. Now, after this telegram was received—there are some copies of it here, Mr. McGuire, which I have had made, and I punctuated it because the man who received it did not punctuate it. It is dated February 14, but the year is not given; it was received about six days after the Sulzer telegram was received in the House—

Mr. STEPHENS. That is in hearing No. 12?

The CHAIRMAN. Yes. After the Sulzer telegram was exhibited in the House by Mr. Sulzer, and, I think, read by the clerk, because some member asked to have it read, I thought that as chairman of this committee I would send Dr. Jordan a letter and ask him for the sources of his information about Elliott having a pelagic sealer's lobby, and the next morning in a telegram I quoted the Sulzer telegram which had been exhibited in the House and stated to Dr.

Jordan that the committee here would be very much interested in the sources of his information and the truth of the information that Elliott was at the head of the pelagic sealers' lobby, or that it would be a good thing for this committee as well as for the House of Representatives if he would give us the sources of his information. That is the effect of the telegram I wrote at the hotel. I did not make a copy of it that I know of.

Mr. STEPHENS. You have no copy of it now?

The CHAIRMAN. No; I just stated the substance of it. Then I received this reply:

PALO ALTO, CAL., Feb. 14.

Hon. JNO. H. ROTHERMEL,  
*House of Representatives, Washington, D. C.*

Pelagic sealing interest only one favored by proposed prohibition of land killing. No question as to this lobby and its leadership, but no direct evidence that anybody received pay for this work. Twenty years of active lobbying against legitimate interest of fur-seal herd and directly favoring pelagic sealers is legitimate ground for interference.

DAVID STARR JORDAN.

Now, he says "interference," but he no doubt means "inference." Do you know of that telegram having been sent by Dr. Jordan?

Mr. CLARK. I do not recall the wording of this telegram very well, but I know that Dr. Jordan answered your telegram, and this is probably the answer.

The CHAIRMAN. Would there be any objection on the part of the witness to putting that in the hearings just as it is punctuated?

Mr. McGUIRE. I have no objection.

The CHAIRMAN. Because this would not look right. It surely was the mistake of the sender or of the receiver. There is no question about it.

Mr. CLARK. I see no reason why the telegram might not be entered in the record as it was received, with the explanations.

Mr. McGUIRE. Let the stenographer put both copies of the telegram in the record.

The CHAIRMAN. All right.

(The unpunctuated telegram is as follows:)

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PALOALTO CAL Feb 14

Hon JNO H ROTHERMEL, H of R  
*Washn DC*

Pelagic sealing interest only one favored by proposed prohibition of land killing no question as to this lobby and its leadership but no direct evidence that anybody received pay for this work twenty years of active lobbying against legitimate interest of fur seal herd and directly favoring pelagic sealers is legitimate ground for interference

DAVID STARR JORDAN.

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Mr. McGUIRE. Is there anything you want to say with regard to these last observations of the chairman as to pages 762, 763, and 771?

Mr. CLARK. I am somewhat at a loss to know just what the chairman wanted me to do with regard to these two letters. They were undoubtedly letters which were passed and received. I do not question that.

The CHAIRMAN. I simply asked you whether you knew of it or assisted in preparing or sending the correspondence.

Mr. CLARK. I would like, of course, to discuss this matter of the chart, if you like.



Mr. McGUIRE. All right; you may proceed.

Mr. CLARK. There was made in the House of Representatives, on the basis of this letter, by Congressman Kendall, of Iowa, the charge of deliberate plagiarism against Dr. Jordan, and it was amplified into a speech on the basis of these letters. It arose over a chart which Mr. Elliott claimed that Dr. Jordan had incorporated in his 1897 report without giving Mr. Elliott credit. When we submitted our 1896 report to Assistant Secretary Charles S. Hamlin, he suggested that we ought to have a map in the report giving some idea of the movement of the seals. Dr. Jordan objected somewhat as we had not yet got our data ready. Dr. Charles H. Townsend, was preparing a map in which he was plating from the records of the pelagic sealers' logs catches including about 120,000 animals, which was to give the exact location of the animals in their winter migrations. This could not be got ready for this 1896 report and Dr. Jordan thought it was useless to put in a chart showing the position of the animals in November, December, and so on, when we did not know anything about it. Mr. Hamlin said that he could get up such a chart very quickly from data in the department. Dr. Jordan acquiesced and left the making of the chart and its printing to Mr. Hamlin. We did not see that chart until the report was printed. No question was raised about that chart until November, 1909, when Mr. Hornaday, of New York, made a complaint to Dr. Jordan because he had been criticised for using what he supposed was Dr. Jordan's chart in a natural history book of his. He wrote to Dr. Jordan. Then followed the correspondence with Mr. Elliott. Dr. Jordan expressed his regrets if he had allowed inadvertently to appear in his report without credit a chart, the authorship of which belonged to some one else. He had, however, to refer the matter to Mr. Hamlin. Dr. Jordan wrote to the Secretary of the Treasury and was informed that we were under no obligations to Mr. Elliott for this map, and he said we were not. That should have ended the matter, but the chart matter was brought up in the House of Representatives and Dr. Jordan was charged with plagiarism.

The CHAIRMAN. You only want to convey the idea that you do not want to deny the authorship of anybody else but you got it from the Secretary of the Treasury.

Mr. CLARK. But Dr. Jordan was charged with plagiarism just the same.

Mr. McGUIRE. Then on your statement of fact, Dr. Jordan was not guilty of plagiarism?

Mr. CLARK. Not at all.

Mr. McGUIRE. Who is Mr. Hamlin?

Mr. CLARK. He was the Assistant Secretary of the Treasury, the man who appointed Dr. Jordan for the commission of 1896 and 1897; he was the Assistant Secretary in the fur-seal matter at that time.

Mr. McGUIRE. And he wrote to Dr. Jordan that Mr. Elliott was not entitled to credit for the maps?

Mr. CLARK. He assured Dr. Jordan that we were under no obligation to Mr. Elliott for the chart; that it was compiled from records which were the property of the Treasury Department by their own draftsmen.

Mr. McGUIRE. That would, anyhow, amount to a contention between individuals which had nothing to do with the treatment of the seal or the governing of the seal islands. Is that a fact?

Mr. CLARK. Yes.

Mr. McGUIRE. Now, in hearing No. 1 before this committee, January, 1914, page 415, with respect to the matter called to your attention by the chairman, have you any observations to make, Mr. Clark?

Mr. CLARK. I was not aware, until the chairman called attention to it, of this statement on page 415. That is, I have not examined every item of this big document. Going back to the record, on page 416, the question is not simply whether a typographical error has occurred. On the basis of that typographical error is a deduction which is entirely wrong. It places a statement of Dr. Jordan made one year in contradiction with four statements made by two other men one year later. There is the issue. If Dr. Jordan made this statement on July 25, 1897, after two seasons' experience, it would have been a foolish statement; but if the date is in 1896, after he had been on the islands for about two weeks, it is a natural one.

The CHAIRMAN. But, Mr. Clark, it is explained in the hearing that it is a discrepancy, and that Dr. Jordan is no longer charged with having been there in 1897.

Mr. CLARK. Has this "deadly parallel" depending on the error also been corrected?

The CHAIRMAN. No. You see the same thing in both quotations. You will find the same thing in both quotations. The only unfortunate part of it was that 1897 was printed on page 416, but the hearings will explain that.

Mr. CLARK. Do you mean to say that if that date is corrected to 1896, that that statement is a just one—a year apart?

The CHAIRMAN. As I understand it; that is my impression.

Mr. McGUIRE. But here he has drawn a deadly parallel, and if this change is made it absolutely knocks the parallel sky west of crooked.

Mr. ELLIOTT. The same parallel is drawn on the page preceding, and then in 1898 Dr. Jordan confirms all his errors.

The CHAIRMAN. I suppose that is true; suppose you examine it and see whether that is true.

Mr. CLARK. The parallel on page 416 is different. The same statement for Dr. Jordan is made in the parallel claimed on the other side, which is for July 11, and no year is given. (Reading):

*July 11.*—Zapadnie Rookery, St. George Island: The yearling bachelors are to be seen in little pods of half a dozen or so. \* \* \* Where the bachelor yearlings are at a distance from interference, they play among themselves like little dogs, \* \* \* Similar comparisons might be made for the 2-year-olds, which are bigger than the yearlings.

The year is not given there, so that you can not make a parallel out of that.

Mr. STEPHENS. On the next page you will find the parallel, page 416, right-hand column, fur-seal investigation of 1898.

Mr. CLARK. That will fix the date, of course, but 1898 is the date of publication, not of observation.

Mr. ELLIOTT. On page 341 I have got it all fixed.

Mr. CLARK. I was mislead into thinking it stopped at the bottom.

Mr. ELLIOTT. I have been pretty careful. I was trying to explain that column, Mr. McGuire, and you would not let me.

The CHAIRMAN. Your explanation is in the hearings. Now let Mr. Clark explain his version of it, and see whether there is any mistake about it.

Mr. CLARK. It is a little hard to find it. That matter is immaterial, because all I want to get at is this: Here on page 416 is a "deadly parallel" of contradiction drawn between two classes of people, and it is based upon an error. If you admit that it is a typographical error, it destroys the whole purpose of the parallel. That is the only issue I raise. If you change that date to 1896 it simply knocks out your parallel. I want to be sure that the fact is corrected, and that it is understood we are not in contradiction.

The CHAIRMAN. But look at it in this way: Now that it is explained that it means 1896, it is no parallel, because the facts are not similar.

Mr. CLARK. Yes, sir; that is what I wanted to get. That is all I want.

The CHAIRMAN. But it was unintentional on the part of Mr. Elliott that that got in there.

Mr. McGUIRE. That might be, but it was sufficient for him to base a deadly parallel on.

Mr. ELLIOTT. It was not intentional.

Mr. CLARK. It is unfortunate that these charges are based on mistakes of this kind.

Mr. ELLIOTT. It is no mistake there. My statement is correct. I told him so. I made no mistake. I object to that, Mr. Chairman.

The CHAIRMAN. Now, we will drop the matter at this point.

Mr. ELLIOTT. I made no mistake. I will take that up in my statement later.

The CHAIRMAN. You will have a right to explain it.

Mr. ELLIOTT. Yes; I certainly have. You will find I am not mistaken.

Mr. McGUIRE. Mr. Clark, the chairman asked you about a letter you wrote to Dr. Hornaday, and there was something said at the time that you wanted to explain further. I wish you would give the facts in connection with that letter and the letters that he wrote.

Mr. CLARK. The chairman raised a question regarding a letter which I had written to Dr. Hornaday, of New York. It was part of a personal correspondence between myself and Dr. Hornaday, and I am sorry that my letter was submitted to the chairman of this committee. The letters of Dr. Hornaday were not submitted to the chairman of this committee. On page 250 of hearing No. 6, before this committee, there appeared a letter addressed to Hon. Charles Nagel, Secretary of Commerce and Labor, Washington, D. C., dated Bedford Park, July 27, 1911. It is signed by W. T. Hornaday and approved and signed by Julius H. Seymour, A. S. Houghton, Charles D. Cleveland, Manhall McLean, George William Burleigh, and William B. Greeley. These gentlemen who signed with Dr. Hornaday are said to be members of the Campfire Club of America. This hearing was sent to me with the letter marked in red ink. I want to read these passages from it.

In the second paragraph from the top of page 251 are these words:

I will also point out to you that the report of the total number of seals surviving last year, as made to you by Mr. Clark and published by you, is manifestly erroneous and absurd in that it reports a number of living seals far in excess of existing facts.

Then follows irrelevant matter referring to Mr. Lembkey. The paragraph following is:

Now, Mr. Secretary, I ask you: Where is the man of intelligence who will have the hardihood to say that the fur seals of the Pribilof Islands, harried constantly, as they

have been by a powerful fleet of pelagic sealers, have not decreased more than 10 per cent since December, 1903?

Then there is another reference to Mr. Lembkey and the London sales. The paragraph concludes:

And yet your Mr. Clark has officially reported to his chief that the seals on the islands "now number less than 140,000" (see your animal report). Why should "140,000" be suggested when the real figure can hardly be one-half that? Was it not to deceive you into thinking that the number so deftly suggested is approximately the real number living? I claim that it was.

The correspondence with Dr. Hornaday arose from that statement, that charge against me of deliberate falsehood and attempt to deceive the Secretary. This letter and charge has been given honorable publication by your committee and is reproduced in this document and to my knowledge three or four other times in these hearings.

Mr. McGUIRE. This same statement?

Mr. CLARK. This same statement. It appears in this final hearing at page 232.

Mr. McGUIRE. You were an official representative of the Government at that time?

Mr. CLARK. I was a duly accredited special investigator for the Bureau of Fisheries, and the commissioner's appointment was approved by Secretary Nagel.

Mr. McGUIRE. And you were the party responsible entirely for the report made to the department from the islands?

Mr. CLARK. I was.

Mr. McGUIRE. With respect to the number and condition of the seals?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. You may state whether subsequent counts and observations confirmed the number in your report at that time to Secretary Nagel, and whether you were right at that time.

Mr. CLARK. I claim that the report of the special agents of this committee which states that in 1913 there was 190,950 seals on the Pribilof Islands vindicates my contention that there were 158,000—this statement of 140,000 is in error—in 1909.

Mr. McGUIRE. And that proves absolutely and conclusively that Dr. Hornaday was wrong in his statement to the Secretary and his accusations to you? Is that right?

Mr. CLARK. I think it does.

Mr. McGUIRE. Now, what right had he to interfere?

Mr. CLARK. I know of none whatever.

Mr. McGUIRE. Was he an official of the Government?

Mr. CLARK. Not to my knowledge.

Mr. McGUIRE. Had he been to your knowledge?

Mr. CLARK. No, sir.

Mr. McGUIRE. Do you know of any reason why he should interfere, save and except that he belonged to what they call the Campfire Club of America?

Mr. CLARK. I know of no other reason.

Mr. McGUIRE. Now, when you say that even the representatives of this committee in their report set forth and approved your statement with respect to the number of seals in 1909, I will ask you whether or not your count of 1913 is not something like 75,000 to 80,000 more than that of the representatives of the committee?

Mr. CLARK. Yes, sir; 268,305 as against 190,950.

Mr. McGUIRE. And that would further tend to prove that you were accurate; that is, that your figures were not too low in your report to Secretary Nagel?

Mr. CLARK. It proves that my figures for 1909 were an underestimate rather than an overestimate.

Mr. STEPHENS. What was your estimate for 1909?

Mr. CLARK. 158,000.

Mr. McGUIRE. So that it is absolutely proven here and now that you were right and Dr. Hornaday was wrong.

Mr. CLARK. I think so.

Mr. McGUIRE. By the official records and by all the representatives of the Government?

Mr. CLARK. Yes.

Mr. McGUIRE. You stated yesterday that there was another observation you wanted to make with respect to the charges against Dr. Jordan, and you were interrupted. Now, will you finish that statement?

Mr. CLARK. I was referring to this specific charge of falsification of Russian records against Dr. Jordan, made at pages 185, 258, and 411. I was able to answer the charge with regard to Yanovsky by reading a reference given by Mr. Elliott, and proving that that translation supported Dr. Jordan.

Now, there is just one other statement that I wanted to call attention to, and was diverted from at the time. On page 185 of this first hearing, Mr. Elliott is quoting from page 222 of Dr. Jordan's report, volume 3. This is a translation by Dr. Stejneger of an article by Bishop Veniaminof, originally published in St. Petersburg in 1839. The translation was made for Dr. Jordan to be placed in his report. Mr. Elliott quotes a paragraph that begins: "The taking of fur the seals commenced in the latter days of September," and ends, "the latter are driven cautiously back to the beach." I am not interested in the full quotation, but toward the end of it there is inserted a series of stars, showing an omission. This quotation is made with a view to showing that Dr. Jordan falsified when he declared that the Russians killed the fur seals, males and females. This omitted sentence is very important and I want to read it.

Mr. McGUIRE. You mean that which is omitted in Elliott's quotation.

Mr. CLARK. He omitted this sentence:

The quite young seals; that is to say, those only 4 months of age, are killed without exception.

Mr. McGUIRE. You mean to say that is omitted from Elliott's statement?

Mr. CLARK. It is omitted from this quotation by Mr. Elliott and the quotation is repeated three times in this document before you.

Mr. McGUIRE. Suppose you inserted that statement; what effect would it have on his statement?

Mr. CLARK. It absolutely disproves Mr. Elliott's contention and proves that Dr. Jordan was right when he said that the Russians killed the fur seals, male and female alike.

Mr. McGUIRE. Could that have been omitted without having been willfully omitted?

Mr. CLARK. I say not, because the stars are here. If there were no stars I would say that it might be unintentional.

Mr. ELLIOTT. It is sensibly omitted, and for good reasons.

The CHAIRMAN. You will have a chance to explain.

Mr. McGUIRE. Now, were you through with regard to that charge against Dr. Jordan?

Mr. CLARK. Yes; I think that disposes of that matter.

Mr. McGUIRE. Were you a witness before this committee in 1909 in connection with that investigation made at that time?

Mr. CLARK. No, sir; I was not.

Mr. McGUIRE. You made a report in 1909?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. To the Department of Commerce and Labor, as it was at that time?

Mr. CLARK. Yes.

Mr. McGUIRE. Was there anything you wanted to say with respect to that report more than what you have said?

Mr. CLARK. I should like the opportunity to mention some things that have been done to it in this last document prepared for this committee. At page 104 of hearing No. 1—I wish you would return to it—is a record labeled, "Report on condition of fur-seal herd, 1909," addressed to Hon. George M. Bowers, Commissioner of Fisheries, Washington, D. C., starting out with, "Dear Sir, I have the honor to submit," and winding up with, "Respectfully submitted, George Archibald Clark, assistant in charge of fur-seal investigation, Stanford University, September 30, 1909." That looks like a complete report.

Mr. McGUIRE. Well, was that your complete report?

Mr. CLARK. It was not my complete report. My complete report is this document of 69 pages of text and field notes and tables.

When I examined this report I found that it contained material from page 866 only. It starts in the middle of a paragraph but does not complete the paragraph, and there is an omission at the end of the first paragraph, and another at the end of the second, and these omissions entirely change the sense of what I said.

The CHAIRMAN. Now, Mr. Clark, I see there is a reference here to Appendix A, House Committee on Expenditures in the Department of Commerce and Labor, June 24, 1911, pages 824 and 866. That has reference, no doubt, to your full report, has it not?

Mr. CLARK. It certainly does; that reference does.

Mr. ELLIOTT. That is what I meant.

Mr. CLARK. Why was not indication of omissions in that condensed report made? Will people go back to see that reference? Will they not take it as it stands and read it and be influenced by it?

The CHAIRMAN. The committee will do that.

Mr. McGUIRE. Is there any indication anywhere in this seemingly full report of yours of any omissions?

Mr. CLARK. None whatever.

Mr. McGUIRE. Upon the face of it you may state whether it would mislead the casual reader as to your report of 60 some pages, reduced to less than one page, or about a half of a page, seemingly your statement to the Secretary of Commerce and Labor?

Mr. CLARK. It deceived me for a moment. That is, I thought that it might be a preliminary statement.

Mr. McGUIRE. It deceived me, too. Do you find anything there in the body of Mr. Elliott's statement where he has cut and covered, taking part of one page and part of another, that would indicate that he had omitted from various pages, in fact, had taken and grouped short extracts as he felt like doing? Is there anything to indicate it in the body of the report?

Mr. CLARK. On page 189—I wish you would particularly glance at this with me. At the bottom of that page is a statement:

George A. Clark, sent up in 1909 by Secretary Charles Nagel, and at Dr. Jordan's urgent request, to make an investigation into the condition of the herd, after the effect of thirteen years' killing by the lessees as licensed in 1896, by Dr. Jordan—— that is a slander against Dr. Jordan——

Mr. McGUIRE. Is that true?

Mr. CLARK. That is not true. [Continuing reading:]

by Dr. Jordan, has this to say, as against the above, anent the interests of the lessees. (Report, 1909, Appendix A, p. 854.)

Then follow extracts. I spent a full hour trying to see what had been done with these extracts out of my own report. The first paragraph is from page 854, as the reference states. The second paragraph is from page 866. There is a break there and then follows more from page 866, and it is from the bottom of the page. Then follows on the next page a section of a paragraph from the top of page 866, transposing the two pieces. The matter winds up with two paragraphs from pages 850 and 851. Those paragraphs are so thrown together that they make a showing entirely different from what I wanted to make in my report, and in the context is omitted all qualifying phrases and explanations necessary to understand what I reported.

Mr. McGUIRE. Then this is not your report and it does not convey the meaning that your full report did?

Mr. CLARK. It certainly does not.

Mr. McGUIRE. And there is no statement here that would give the reader fairly and honestly an opportunity to understand what had been done.

Mr. CLARK. No, but in this statement I will say there are indications of omissions.

The CHAIRMAN. Well, the committee will work that out.

Mr. McGUIRE. I know, but I want to get it on the record. These are occurring too often. At pages 104 and 105 there appears what seems to be a special brief of your 1909 report.

Mr. CLARK. I think we have covered that.

Mr. McGUIRE. That is right. There is one other matter, Mr. Clark, that I wanted to call attention to, and I made a note of it but I have mislaid my notes, but it was regarding the sending out of matter, part of which was franked under the franks of various Members. Did you mention it yesterday? I can not find my notes, but will you state whether you have mentioned all the instances where such documents were sent out under this fictitious name? What was that name? I can not recall it.

Mr. ELLIOTT. Davy Jones.

Mr. CLARK. I was speaking yesterday of the Amos Allen correspondence and, as I indicated then, the documents are in the hands of Secretary Redfield. But I have received certain things since I came home from the North this fall, and I have them here. I should like to refer to them in that connection, and particularly this one



which is entitled, "The deadly parallel on a trained naturalist." On one side is this legend: "Dr. Jordan declares there are no breeding bulls on the rookeries under 8 years of age," and on the other side, "But his own man Clark denies him, and confirms Elliott." That is in a disguised or printed hand, and is underscored in red.

Mr. ELLIOTT. I gave that to Mr. Hatton on the island last summer to study it up.

Mr. CLARK. And on the bottom, in Mr. Elliott's handwriting, is:

It is the 6 and 7-year-old males flushed and ambitious with a sense of their reproductive ability that swarm out and do battle with the older ones on these places. (Elliott monograph on Seal Islands, Bulletin 176, U. S. Fish Commission, 1882, p. 107.)

I call attention to the fact that to produce that deadly parallel this volume of 1200 pages had to be mutilated and four pages cut out of it.

Mr. McGUIRE. What volume is that?

Mr. CLARK. Appendix A to this committee's report.

The CHAIRMAN. First of all, Mr. Clark, did you receive that through the mails?

Mr. CLARK. It was received through the mails, not by myself but by the president of Stanford University, addressed to the president of Stanford University.

The CHAIRMAN. Under a frank?

Mr. CLARK. No, sir.

Mr. McGUIRE. You say in order to produce that, there had to be four pages cut out of the hearings before this committee?

Mr. CLARK. I have just been talking to you about the condensation and mutilation of my 1909 report. Now, this purports to be my 1909 report in just the same way. It is headed, "Report on condition of fur-seal herd, 1909." It takes a paragraph from the text of my report, then one from my field notes, and finally last words of my report, "Respectfully submitted, George Archibald Clark, Assistant, etc." In other words, in order to produce that "deadly parallel" a copy of Appendix A had to be cut in four places. The president of Stanford University has received a second parallel which required another cutting of that Government document, and it was numbered 98. It suggests that 98 copies may have been cut and mailed.

Mr. McGUIRE. In other words, the records had to be mutilated in order to make that showing?

Mr. CLARK. Yes.

Mr. McGUIRE. Do you know in whose handwriting that is?

Mr. CLARK. That is in the handwriting of Henry W. Elliott.

Mr. McGUIRE. And whoever produced that, whether it was Henry W. Elliott or not, had to and did mutilate the record in order to make this showing.

Mr. CLARK. Yes; cut this book.

I wish to call attention to a few more of these in passing. In this one (indicating) the reference is made to Dr. Leonhard Stejneger, the honored head Curator of the United States Museum. After making a quotation from the testimony before this committee, which necessitated the cutting of some hearing, I do not know which, but at the head is—

Committee on Expenditures in the Department of Commerce and Labor, House of Representatives, Saturday, May 4, 1912. The committee met at 10 o'clock a. m.,

Hon. John H. Rothermel (chairman) presiding. Present: Messrs. Young, McGillicuddy, and McGuire. Statement of Leonhard Stejneger.

Then there is a legend and a little cartoon——

The CHAIRMAN (interposing). Had you not better explain where you received that?

Mr. CLARK. I would like to read this note.

The CHAIRMAN. And then explain it. It is always in order to make an explanation.

Mr. CLARK. There is a picture of a lady with a cane and hat, and in front of the picture, in the writing of Mr. Elliott, is the following:

Here is your hat, Dr. Stejneger, the tobaggan is waiting outside with Dr. Jordan and the whole advisory board, sir.

The CHAIRMAN. Well, there is not much harm in that.

Mr. CLARK. No; not much. Here are two more deadly parallels, and I should like to ask the chairman of this committee to ask Mr. Henry W. Elliott why these things were mailed to the president of Stanford University. He would like to know.

Mr. MCGUIRE. I will ask him.

The CHAIRMAN. Shall I do it when Mr. Elliott goes on the stand?

Mr. MCGUIRE. Either you or I, when he goes on the stand.

Mr. ELLIOTT. Alright.

The CHAIRMAN. Mr. Clark, let me ask you this: Did you receive this last part that you submitted under a frank?

Mr. CLARK. No; none of that was under a frank.

Mr. MCGUIRE. You may state whether these documents which various persons have been receiving recently were received in envelope stamped or whether they are proceeding more cautiously than they were.

Mr. CLARK. They are all stamped this year. I might say that these documents (Hearing 1, 1914) with a red ink notation have been received under your frank, Mr. Rothermel, by President Branner, by the professor of zoology, by the professor of germanic philology, and by the president of the board of trustees of Stanford University.

The CHAIRMAN. The information I sent to them was on account of this document.

Mr. CLARK. The thing that struck us was the red ink marks, either reflecting discredit on Dr. Jordan or credit on Mr. Elliott.

The CHAIRMAN. I told the clerk to send them over.

Mr. PATTON. Did you tell him to mark them?

The CHAIRMAN. No.

Mr. ELLIOTT. It was marked in pencil.

Mr. CLARK. In red ink. This is one of them. This happens to be a statement in which Mr. Redfield before this committee thanked Mr. Elliott for the light he had thrown on the subject of the fur seals.

The CHAIRMAN. Well, that must have happened, as I told Mr. Baker to see that they were sent out, and I did it so that the people could answer as soon as possible. I think it was on the same day when the records were submitted to the committee.

Mr. CLARK. Yes; I received those other documents carefully marked A, B, and C, but this is different; this came addressed to the President of Stanford University, in Mr. Elliott's handwriting.

The CHAIRMAN. On the envelope?

Mr. CLARK. Yes.

The CHAIRMAN. Perhaps Mr. Baker asked him to do it.

Mr. McGUIRE. He did plenty of them.

The CHAIRMAN. But was not that accompanied by a letter showing that I was asked to send them out?

Mr. CLARK. Oh, I have no complaint about the three documents. But this was not (indicating).

The CHAIRMAN. But they were mailed together with a letter.

Mr. CLARK. Not this document. I never received a copy of this from you. These were mailed to several gentlemen at Stanford University. They brought them in to me.

The CHAIRMAN. I left word here with Mr. Baker, and I did not know the addresses of all these people, but I supposed the documents went out.

Mr. CLARK. They did. Dr. Jordan received the three documents which you sent, which were Mr. Elliott's original report, his statement and then that sheet of tabulations. Both Dr. Jordan and myself received these documents properly in connection with your letter, asking us if we desired to be heard before this committee.

The CHAIRMAN. Where is Dr. Jordan now?

Mr. CLARK. He is in Australia.

Mr. McGUIRE. There has been, from time to time, Mr. Clark, not only at this hearing, but at prior hearings, a considerable discussion as to what really caused the decline of the seals prior to 1834. You have discussed it to some extent. Now, I would like to have your statement as to the real cause of the decline, that is, when they were controlled by the Russian Government.

Mr. CLARK. The cause of the decline was plainly the killing of adult cows, young females, and pups, both male and female. I brought this out yesterday in the quotations from the record of Veniaminof, the only authority we have on the subject.

Mr. McGUIRE. Do you know whether there was any pelagic sealing at that time?

Mr. CLARK. No, sir; there was no pelagic sealing at that time.

Mr. McGUIRE. But there was a decline in the herd?

Mr. CLARK. Yes.

Mr. McGUIRE. What has been the effect, in your judgment, of the treaty of 1911 stopping pelagic sealing?

Mr. CLARK. The effect has been to remove the cause of decline and to provide adequately for the future recuperation and restoration of the fur seal herd, as evidenced by the fact that the second season of the operation of that treaty shows the herd to have increased in its breeding stock  $12\frac{1}{2}$  per cent.

Mr. McGUIRE. In your judgment, then, the seal herd is increasing  $12\frac{1}{2}$  per cent annually?

Mr. CLARK. Yes.

Mr. McGUIRE. Now, is the suspension of land sealing necessary?

Mr. CLARK. It is not.

Mr. McGUIRE. Is it wasteful, in your judgment?

Mr. CLARK. It is. It wasted \$500,000 worth of seal skins this summer. It will waste a somewhat greater number next year, and for each of the four succeeding seasons of the closed time, or about 50,000. Then for nine years following that, the law provides for a breeding reserve five times too great. This will waste 36,000 animals

in addition, and as these skins have a value of \$52 a piece, according to press dispatches of the St. Louis sale, the total loss will be in the neighborhood of \$4,250,000, 85,000 seal skins, at a value of say \$50 apiece.

Mr. McGUIRE. That is for what length of time?

Mr. CLARK. In the next 14 years. The law provides for a closed season of five years; then for a period of nine years in which there is to be set aside a breeding reserve of 5,000 animals annually, young males, and as no more than 1,000 a year can be used by the herd in that time, 4,000 will be wasted each year.

Mr. McGUIRE. Now, I believe you stated before that the Government lost \$500,000 in 1913 by not killing the available or killable animals. That was on the estimate of 10,000 that should have been killed and were not killed. What other waste to the Government besides this \$500,000 worth of skins is there by reason of those 10,000 males not having been killed?

Mr. CLARK. The blue fox herd, which depends largely for its winter food upon the surplus carcasses of the killing fields, will be driven to desperate straits this winter, and being short of food, they will eat one another.

Mr. McGUIRE. Are they cannibalistic?

Mr. CLARK. Yes, sir. I found in 1912 in a cave the four paws of a young fox which had been freshly eaten by his companions. Instances are on record on Otter Island, a small islet which gets peopled with the foxes when the ice joins it to St. Paul. When the natives go there to catch foxes they sometimes find just one strong, vicious fox, an animal that has survived because able to eat his weaker companions.

Mr. McGUIRE. Then, in addition to the loss of \$500,000 for 1913, there is a diminution of the fox herd by reason of not having sufficient food?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. You think that if 10,000 had been killed that they would have furnished quite sufficient food for the foxes on the islands and leave sufficient for increase?

Mr. CLARK. Yes; I believe it would have had that effect.

Mr. McGUIRE. I think you stated the other day briefly that the department was feeding the natives canned goods. Is that customary?

Mr. CLARK. They have a supply of canned and salted meats in the stores, but ordinarily the natives would eat the fresh and salted seal meat in preference to these canned goods. During the present year they must, however, be existing exclusively on them.

Mr. McGUIRE. There is no seal meat for this year stored?

Mr. CLARK. Well, there was no seal meat put aside during the killing season.

Mr. McGUIRE. How many seals could have been killed last year by the department under the present laws and regulations?

Mr. CLARK. I have stated that in addition to those killed for food 10,000 could have been taken.

Mr. McGUIRE. I know; but my understanding is that the department is prohibited now from taking seals except a certain number for food under the law.

Mr. CLARK. Yes; there is a provision made in the law for a food killing.

Mr. McGUIRE. That is what I mean. Now, how many could the department have taken, in your judgment, for food purposes?

Mr. CLARK. I have figured out that it would require a minimum of 5,000 seals to give the natives of the Pribilof Islands a ration of a little over a pound a day for the year. I gave my advice that 5,000 seals as a minimum should be killed. I also called attention to the fact that in the *modus vivendi* of 1891-1893 Great Britain agreed that a normal food killing was 7,500, and therefore it seems to me that under the law the Department of Commerce should have taken a minimum of 5,000 and from that up to a maximum of 7,500.

Mr. McGUIRE. Then the Government has lost, under the present law, assuming that we could have killed without criticism and legally 7,500, by reason of former computations as to what it would take for food, 5,000 seals, because of the action of the department in 1913?

Mr. CLARK. Four thousand five hundred. That is the difference between the 3,000 which was fixed as a minimum and the 7,500 which was fixed as a normal food killing by the *modus vivendi*.

Mr. McGUIRE. Now, we lost the price of the 4,500 seal skins, and that would have been quite sufficient food for the natives, and it would not have been necessary to have furnished for them salt meats and canned goods?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. And in addition to that, it would have furnished a limited supply of food for the foxes and fur-bearing animals on the islands.

Mr. CLARK. Yes, sir.

Mr. McGUIRE. And in these three respects, under proper regulations from the department, the Government would have saved money?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. How much time have you spent on the islands, all told?

Mr. CLARK. In 1896 I arrived on St. George Island on July 8, and I was there and on St. Paul until the 21st day of October. Next year I arrived on St. George Island on the 8th of June and remained there and on St. Paul until the middle of August. In 1909 I was there a month, beginning with the 12th of July and extending through the height of the season. In 1912 I was there from about the 12th of June until the 9th of September, and in 1913 I was on the islands from the 13th of July until the 8th of August. That is five seasons, throughout the height of the season. I think that is a total of about 9 full months and 18 days.

Mr. McGUIRE. Do you know of anyone else who has been on those islands as much as you have?

Mr. CLARK. I do not know exactly. I should imagine that was a pretty good allowance of time. I do not know of anybody, except the agents, perhaps; they have been there a longer time.

Mr. McGUIRE. Well, I simply wanted to know the length of time that the various representatives of the Government have been there. Now, what would be your recommendation, if any, to the department and to Congress as to what should be done?

The CHAIRMAN. It seems to me that he went into that the other day.

Mr. McGUIRE. Well, not very liberally; he made one or two suggestions. What would be your recommendation as to what should

be done not only to preserve and augment the number there but to administer economically and profitably the killing of the seals?

Mr. CLARK. One thing to be done is to repeal that provision of the law of 1912 which suspends land killing of superfluous males for five years and which provides for an excessive breeding reserve for nine years succeeding that close season. That is the first and most important thing. Of course, the administration of the islands should be cared for by an adequate personnel of agents, naturalists, and others, having to do with the care of the herd. The really essential thing to do is to repeal the law and provide for the removal of the superfluous males. If these animals are not removed and killed, they will simply grow up as fighting bulls and work incalculable harm in the rookeries in the trampling of the pups and the tearing of mother seals.

Mr. McGUIRE. And will the condition which you last mentioned be aggravated as time goes on under present arrangements?

Mr. CLARK. It will simply grow in intensity each year. It will last the full life of each bull, which is 13 or 14 years, beyond the termination of the close season. In that way it will extend its baleful influence over the herd until 1934. We will not be rid of it until that time.

Mr. McGUIRE. In view of the facts developed since pelagic sealing has been discontinued, are you certain that the diminution of the herd was caused in the recent past by pelagic sealing?

Mr. CLARK. I am certain that it has been caused by that form of sealing.

Mr. McGUIRE. What one particularly important fact has been discovered by reason of the branding of the seal pups—that is, the year they were born?

Mr. CLARK. The important fact disclosed by that was that yearling seals as a class, do not come to the hauling grounds in the killing season.

Mr. McGUIRE. That would mean that all this contention about having taken yearlings in the past is settled by the fact that the yearlings are not there until after the killing season; is that true?

Mr. CLARK. That is true.

Mr. McGUIRE. There have been a great many charges against the department for unlawful killing. You have been there as the representative of the Government at various times. Will you tell us the different years you were there as the Government's representative?

Mr. CLARK. I was on the islands in 1896, again in 1897, again in 1909, 1912, and 1913.

Mr. McGUIRE. While you were there as the representative of the Government has there at any time been unlawful killing, extravagance, or waste, as charged by Henry W. Elliott, save and except a negligible quantity due to mistakes in clubbing, and so forth, which is inevitable in killing?

Mr. CLARK. Not to my knowledge.

Mr. McGUIRE. Have the Government's representatives, so far as you know, at all times when you were present performed their full duty?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. You made a report to the Secretary of Commerce for 1913?

Mr. CLARK. Yes; I did.

Mr. McGUIRE. Do you know whether that report has been published?

Mr. CLARK. Not to my knowledge; it has not been published to my knowledge.

Mr. McGUIRE. When did you make the report? When was it sent in?

Mr. CLARK. The report was dated at Stanford University, Cal., September 30, 1913.

Mr. McGUIRE. Do you know whether that report has been published, Mr. Chairman?

The CHAIRMAN. I do not.

Mr. McGUIRE. I would like to have that report published. It ought to be published and made a part of the record here. I think the committee ought to have it published.

The CHAIRMAN. Suppose we take that up later—that is, as to what is the best to do.

Mr. McGUIRE. I suppose we could have it published now if the committee wants it. I would like to have it published in connection with the examination of this witness.

The CHAIRMAN. We will take it up with the committee later. On page 253, former hearing No. 6, is a message which was sent to the Senate and House of Representatives by President Taft. I would like to read it and then have you make such observations as you care to make.

Mr. McGUIRE. What is the date of that?

The CHAIRMAN. The date is March 15, 1910.

By the terms of section 1963, United States Revised Statutes, the Secretary of Commerce and Labor is directed, at the expiration of the lease which gives the North American Commercial Co. the right to engage in taking fur seals on the islands of St. Paul and St. George, to enter into a new lease covering the same purpose for a period of 20 years. The present lease will expire on the 30th of April, 1910, and it is important to determine whether or not changed conditions call for a modification of the policy which has so far been followed.

The Secretary of State and the Secretary of Commerce and Labor unite in recommending a radical change of this policy. *It appears that the seal herds on the islands named have been reduced to such an extent that their early extinction must be looked for, unless measures for their preservation be adopted.* A herd numbering 375,000 12 years ago is now reduced to 134,000, and it is estimated that the breeding seals have been reduced in the same period of time from 130,000 to 56,000. The rapid depletion of these herds is undoubtedly to be ascribed to the practice of pelagic sealing, which prevails in spite of the constant and earnest efforts on the part of this Government to have it discontinued.

The policy which the United States has adopted with respect to the killing of seals on the islands is not believed to have had a substantial effect upon the reduction of the herd. *But the discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries.* To that end, it is recommended that the leasing system be abandoned for the present, and that the Government take over entire control of the islands, including the inhabitants and the seal herds. The objection which has heretofore been made to this policy, upon the ground that the Government would engage in private business, has been deprived of practical force. *The herds have been reduced to such an extent that the question of profit has become a mere incident, and the controlling question has become one of conservation.*

It is recommended, therefore, that the provision for a renewal of the lease be repealed, and that instead a law be enacted to authorize the Department of Commerce and Labor to take charge of the islands, with authority to protect the inhabitants substantially as has been done in the past, and to control the seal herds as far as present conditions admit, *pending negotiations with foreign countries looking to the discontinuance of pelagic sealing.* If this result can be obtained, as is confidently believed, there



is every prospect that the seal herds will not only be preserved but will increase, so as to make them a source of permanent income.

A draft of a bill covering this matter has been prepared by the Secretary of Commerce and Labor, and upon request will be submitted to the appropriate committees.

WM. H. TAFT.

THE WHITE HOUSE, *March 15, 1910.*

Do those figures agree with what you submitted; that is, that they are reduced to 134,000? No doubt the Secretary of Commerce and Labor was instrumental in framing this message. Did you give him any of this information?

MR. CLARK. I did not, except in so far as my report might have influenced the action. I recommended, as I pointed out recently in my report, that it was unwise to re-lease the islands and that there should be an interregnum of from three to six years; that may have influenced this action. But this is a document, of course, that I had no part in framing.

THE CHAIRMAN. Do you think that is correct, where it says "now reduced to 134,000?"

MR. CLARK. I do not know the basis of those figures. You see, my report for 1909 stated there were 158,522 animals in the herd. I have pointed out that that was an estimate. Other people may have estimated the herd, too, and disagreed with me.

THE CHAIRMAN. What do you mean by saying that you suggested there be an interregnum of from three to six years? Did you mean the season of killing?

MR. CLARK. No; of authority on the islands by which the United States should be supreme and have no lessees; that is, the matter of re-releasing the islands should be deferred for a period of from three to six years, until we could learn what was to become of pelagic sealing.

THE CHAIRMAN. I want to ask you a question which I think you answered yesterday, but I simply want to clear it up in my mind. Did you say that you asked Elliott and Gallagher to take girth measurements of the sealskins?

MR. CLARK. I protested against the omission of that. I asked that it be taken, and when it was not to be taken by them I asked permission to take it myself.

THE CHAIRMAN. That was the only object; I wanted to get it clear in my mind, because I did not quite remember what your answer was. Who are the trustees of Stanford University?

MR. CLARK. The president of the board of trustees is Timothy Hopkins, of San Francisco. I do not know that I can carry those 14 names in my head.

THE CHAIRMAN. Do the best you can.

MR. CLARK. Mr. Charles G. Lathrop is a member of the board, Mr. Horace Davis, Mr. Charles P. Eells, Mr. William Babcock, Mr. Vanderlynn Stow, Mr. Frank Miller, Mr. S. F. Leib, Mr. Thomas Welton Stanford, Mr. Herbert C. Hoover, Mr. Newhall—I can not give his initials—and Mr. Nickel. They are recent appointees, and I have not become familiar with their initials.

THE CHAIRMAN. Has D. O. Mills been a trustee at any time?

MR. CLARK. I do not recall now. His son-in-law, Mr. Whitelaw Reid, was a trustee of the university for a long time and until his death.

THE CHAIRMAN. While you were the secretary?

Mr. CLARK. Yes, sir. I am not the secretary of the board, however.

The CHAIRMAN. Do you know Isaac Liebes?

Mr. CLARK. No, sir; I do not.

Mr. STEPHENS. With reference to mistakes that have been made in clubbing the seals, you stated yesterday that some of these smaller ones were killed inadvertently because of the fact that the clubbers in using the clubs could not tell the head of a yearling from the head of a 2-year-old. I believe that was about your statement, that sometimes they were inadvertently killed that way.

Mr. CLARK. During the food killing in the fall, when the yearlings are more numerous—that is, after the commercial killing, these yearlings appear to some extent, and in accounting for the killing of the few that are admitted—I mentioned that in the bunches of seals which come up before the clubbers, the animals huddle together, the clubbers must knock them on the head. The heads do not vary as much as the bodies and perhaps the head of one animal may be struck when another was intended. The head may seem to disclose an animal of larger size than it really turns out to be. Those are very infrequent accidents, however.

Mr. STEPHENS. You also said you knew that the females were not killed for the reason that the seals from which it was intended to take the hides, the commercial skins, were driven to what is called the killing ground, and that each one was lassoed and examined before taking. How do you harmonize those two statements?

Mr. CLARK. Of course, those things could not occur. The lassoing and examination I was describing represented a set experiment by Dr. Jordan and his party in 1896 and 1897 in order to determine the question whether there were females among the bachelors on the hauling grounds. It could not be applied to commercial killings. The only way to handle a fur seal in determining the sex is by throwing a rope around its neck and twisting it until it cuts through the fur and gives a grip on the animal. But that experiment was to determine whether females were among the bachelors on the hauling ground, and the showing was that they were all males.

Mr. STEPHENS. Was that the case of the 205 skins you said you examined to ascertain whether the breadth made as much difference as the length of the skin?

Mr. CLARK. No. Those 205 were 2-year animals; we killed them in the regular food killing, you know.

Mr. STEPHENS. You stated you measured how many of those hides?

Mr. CLARK. Two hundred and five of them.

Mr. STEPHENS. How many examples did you give of the width?

Mr. CLARK. Possibly six or eight.

Mr. STEPHENS. Those examples were picked from the 205 indiscriminately, were they? Did you take them as they came?

Mr. CLARK. Yes; I did not spend any time on the matter. I went over it hastily. This matter might be carried further and something worked out of it, you know. I have not had any time to do that. I looked into this hastily and picked them out.

Mr. STEPHENS. Would it not have been fair to examine all these skins and make a division?

Mr. CLARK. I did that, and I have given that in my testimony here. I can give it right now.

Mr. STEPHENS. Let us have that.

Mr. CLARK. These are the dimensions: The total weight of the 205 green skins is 1,219 pounds, an average of 5.9 pounds; the total length of the 205 green skins is 6,582.50 inches, which is an average of 32.1 inches per skin in green state; the total width of those 205 green skins was 4,601.50 inches, an average of 22.4 inches. Now, we took them in salt also. The total weight of the 205 salted skins was 1,140.25 pounds and the average weight in salt was 5.5 ounces, a reduction of four-tenths of a pound, which is 6.4 ounces.

Mr. STEPHENS. What per cent of loss would that be? What would be the difference between the green hide and the salted hide?

Mr. CLARK. That would have to be figured.

Mr. STEPHENS. You have given the figures and we can figure it out.

Mr. CLARK. Yes. Now, as the measurement of those salted skins is the question in dispute between myself and Mr. Elliott let me give you these figures. The length of these 205 salted skins was 7,404 inches, and that made an average for each skin of 36.1 inches; the average width of the 205 skins was 4,951.50 inches, which would be 24.1 inches average in width. The skins, you see, in the salting process had expanded, in other words, had lost the elasticity which caused them to contract in the green state and under the salting process they had expanded in size and had reduced in weight.

Mr. STEPHENS. What was the weight of these sealskins?

Mr. CLARK. The average was 5.5 pounds.

Mr. STEPHENS. They were above the 5-pound limit agreed upon by the lease?

Mr. CLARK. Yes; the average was 5.9 pounds, which was well above it, you know.

Mr. STEPHENS. These were all 2-year-old skins?

Mr. CLARK. Yes; and the clubbers were limited between weights of  $5\frac{3}{4}$  pounds and  $6\frac{1}{2}$  pounds. I want to ask whether that is not a guaranty of the accuracy of the judgment of the clubbers and of the control the agents exerted over those men in doing that work, that they should have kept those 205 animals to an average of 5.9 pounds? They were required to keep between  $5\frac{3}{4}$  pounds and  $6\frac{1}{2}$  pounds.

Mr. STEPHENS. You gave some basis for the average weight of those 2-year-olds, did you not?

Mr. CLARK. Yes. I have a summary of the animal weights also. The total weight of the 205 animals was 13,121.50 pounds, an average of 64 pounds apiece.

Mr. STEPHENS. I believe there was some evidence yesterday to the effect that the yearling seals only averaged 39 pounds; is that correct?

Mr. CLARK. I offered that as the report given by Mr. Elliott.

Mr. STEPHENS. What is your experience about that?

Mr. CLARK. I have not weighed the yearlings, you see, because I never had an opportunity to get hold of the animals. However, I would want to determine it on a different basis because Mr. Elliott's basis was only six animals, which is too small a number.

Mr. STEPHENS. Would it not be fair to suppose that the weight of an animal would bear the same relation to the weight of the skins in the small ones and in the large ones, in the yearlings and 2-year olds?

Mr. CLARK. I showed in the skins I brought to your attention yesterday that you could not depend on that, because an animal weighing 105 pounds in one instance had a skin but little bigger,  $42\frac{1}{2}$  by  $25\frac{1}{2}$  inches, than one weighing only 52 pounds, 40 by  $24\frac{1}{2}$ . In other words, an animal of clear sinew and muscle might weigh more than a fat, plump animal, because the blubber——

Mr. STEPHENS (interposing). That would be an exceptional case, But take the killing throughout, do you not think there could be some rule established?

Mr. CLARK. That is what I tried to do. If I had been allowed or had an opportunity to kill 200 yearlings last fall I would have brought some of this data, but I did not find the yearlings?

Mr. STEPHENS. You think it would be very hard to distinguish between a yearling and a 2-year-old—that is your idea?

Mr. CLARK. Yes; that is my idea. I want, of course, to call to your mind the fact that I showed that the 2-year-old that was born about the middle of June had a great start over one that was born the middle of July and that that start kept them apart in size. As a result you would find a 2-year-old that was pretty big and another one that was pretty small. It is the small 2-year-old and the big yearling that are hard to distinguish; not the big 2-year-old and the little yearling; those could be easily distinguished. It is different with the big yearling and the little 2-year-old.

Mr. STEPHENS. Form your evidence I gather that you are in favor of killing the seals to a certain extent?

Mr. CLARK. Yes, sir.

Mr. STEPHENS. Suppose they should be killed, who would be benefited—the United States Government?

Mr. CLARK. The United States Government would receive all of the money. Instead of receiving \$10 per skin as under the last lease, the Government would receive the full price which the skins bring in the market.

Mr. STEPHENS. Have you recommended that the islands be leased and that these animals be killed? In your report did you mention that?

Mr. CLARK. I have not. I made a recommendation, first, that there be an interregnum, a period in which we could determine about pelagic sealing, leaving it open for the Government to re-lease if it wanted to, but I did insist that any leasing company should be shut out of all privileges except those of taking and curing the skins, that is, that it should not have any control over the killing.

The CHAIRMAN. You spoke about the lessees paying \$10 a skin under the former lease. The skins in the London market brought as high as \$50 and over, did they not?

Mr. CLARK. I know nothing about what the skins brought in London during the company's time, but I have in mind the fact that press dispatches, coming to me in California, as to the recent sale of skins in St. Louis, stated they brought as high as \$52 a skin.

The CHAIRMAN. So the Government was really in a bad business enterprise when it got only \$10 and the skins brought as high as \$50 and \$60?

Mr. CLARK. Well, that was according to the contract.

The CHAIRMAN. I know; but it was a bad business venture, was it not?

Mr. CLARK. The sealskins were not worth \$50 at the time that lease was entered into.

The CHAIRMAN. But after all do you not think it was a poor business for us to have a contract where the Government received \$10 for a skin and the company received from \$28 to \$60 a skin?

Mr. CLARK. I would not like to give an opinion on that.

The CHAIRMAN. And would it not be a powerful inducement for the leasing company to take all the seals they could get, from yearlings on up to 4-year-olds?

Mr. CLARK. It certainly would be a profitable thing, but——

The CHAIRMAN (interposing). And considerations of that kind may have caused you to say in your 1909 report that no seal was too small for the company to take?

Mr. CLARK. The Government, however, had allowed them to take 15,000 seals——

The CHAIRMAN (interposing). Was that one of the considerations that moved you to say that in your report?

Mr. CLARK. I want to say that my recommendation——

The CHAIRMAN (interposing). You can answer that yes or no and then explain it.

Mr. CLARK. No.

The CHAIRMAN. That had nothing to do with it?

Mr. CLARK. My interest in the herd has been one from a scientific point of view. I wanted, for example, to see the scientific problems of the herd settled, and I complained about the killing of 1909 most because it obscured a scientific fact which I would like to have settled. I was not ignorant of or inattentive to the fact that the Government could make more money by operating the seal islands on its own account.

The CHAIRMAN. One more question, Mr. Clark. Whether the company took, say, 3,000 seals or 6,000 seals on the islands, their expense would practically be the same, would it not?

Mr. CLARK. The company?

The CHAIRMAN. Yes. It would not cost the company much more money to take 6,000 seals than it would to take, say, half that number?

Mr. CLARK. Their plant being stationed there, I should say not; they had their plant all equipped and they could not discharge their men.

Mr. McGUIRE. There is just one other question I want to ask Mr. Clark. There has been so much said about the various groups of seals that the Members of the House of Representatives, when some legislation was passed respecting the killing, seemed to be confused as to the meaning of the terms "bachelors," "breeding cows," "bulls," and so forth. I wish you would group them during the killing season and immediately afterwards as well as before they leave the islands. For the information of the committee and the House state what bulls mean, what bachelors mean, what breeding cows mean, and so forth.

Mr. CLARK. A breeding bull is an animal that has charge of a harem of cows. An idle bull is an adult bull which has failed to get a harem; he has been shut out and is a superfluous animal. His office is to take the place of some active or harem bull which may become disabled through accident or from any other cause. A young bull is a bull

fully matured for breeding purposes, but not quite as strong, compact, and courageous as an adult bull.

The CHAIRMAN. At what age is that?

Mr. CLARK. Anywhere from 6 up. These three categories of males have definitely separated themselves from the bachelors and haunt the breeding grounds, the active bulls in charge of the harems, the idle bulls back of them, and the younger bulls hovering in the rear.

The cows are the adult females, of the age of 3 years, when they bear their first pup, and upwards. The virgin cows are the 2-year olds which come late in the breeding season to the breeding grounds to receive the bull for the first time. The yearlings are animals of both sexes. They leave the islands late and come to the islands late.

The bachelors are the young males from 4 years down to 2. They occupy hauling grounds separate from the breeding grounds through fear of the adult bulls. A bachelor appearing in the harems would be summarily dealt with by the bulls in charge. The bachelors therefore herd by themselves, and it is from their hauling grounds that animals are driven off for killing purposes, which is done without disturbing the breeding females at all. They are driven up in groups near the salting houses and killed. The groups brought to the killing field contain 5-year olds, 4-year olds, 3-year olds, and 2-year olds. The animals killed come chiefly from the 3 and 2 year old classes. They are knocked on the head and skinned, the other animals being turned back to the sea to return to the hauling grounds or do what they please. That is the order of life of the animals, all classes considered.

Mr. McGUIRE. The breeding bull is with the harem?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. Is the 2-year-old female served?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. Late in the season?

Mr. CLARK. Yes, sir.

Mr. McGUIRE. Where are they up to that time?

Mr. CLARK. Probably at sea.

Mr. McGUIRE. When you refer to the bachelor seals, you mean, as a rule, the seals that congregate back of the harems and back of the inactive bulls?

Mr. CLARK. Yes.

Mr. McGUIRE. Those bulls are how old?

Mr. CLARK. From 6 to 8.

Mr. McGUIRE. And the younger bulls have been driven away by the bulls in charge of the harems?

Mr. CLARK. Not exactly driven away, but kept from coming in closer through fear of their full-grown rivals.

Mr. McGUIRE. In charge of the harems?

Mr. CLARK. Yes, sir.

Mr. STEPHENS. Can you tell why Dr. Jordan was so anxious that this treaty should not be affected by legislation and why he sent this telegram to Mr. Sulzer? What interest did he have to serve which caused him to send that telegram?

Mr. CLARK. In the first place, Mr. Sulzer called upon him for help; in the second place, Dr. Jordan had fought for 12 years to secure the treaty, and he was well satisfied that it was the one thing necessary to preserve the herd. When he saw that a resolution had been intro-



duced in the House proposing to suspend land sealing for 15 years and that such a provision was attached to this bill, putting the treaty into effect, he realized that if it were allowed to become a law, and we cut off our land catch for 10 years, 15 years, or 5 years, Japan and Great Britain would become dissatisfied and abrogate their treaty. With the abrogation of the treaty, pelagic sealing would be resumed, and the herd would go on its way to destruction.

Mr. STEPHENS. If land sealing had been stopped at that time, as was suggested and which he opposed, would it not have been greatly to the benefit of the persons who had the right to kill the seals until the expiration of the lease?

Mr. CLARK. The lease had then expired.

Mr. STEPHENS. But they were seeking to reinstate it, were they not?

Mr. CLARK. No; that had all been passed, you know. The Dixon law, in 1910, had ended the leasing system. This was in 1912, as we were approaching the passage of the law which put into effect the treaty of 1911.

Mr. STEPHENS. That was the treaty that was objected to?

Mr. CLARK. Yes, sir. You say he was objecting to the treaty? He was objecting not to the treaty, but to the provision in law of 1912 suspending land sealing, which was, in effect, a repudiation of our contract under the treaty. In the treaty we agreed to give 15 per cent of our land catch to Great Britain for Canada and 15 per cent of our land catch to Japan to satisfy her pelagic sealers. The amendment carrying the suspension was troubling Mr. Sulzer.

Mr. McGUIRE. And would have abrogated the treaty?

The CHAIRMAN. The treaty provides, though, that if the United States Government stops all killing for a period that it shall pay so much money to these different countries.

Mr. CLARK. The treaty reserved, very properly, to the United States the right to control its sealing and to stop it at any time. It also stated that that right was dependent upon a necessity to preserve and increase the herd. If it became necessary in order to preserve and increase the herd for the United States to stop the killing on land, the treaty permitted it at any time. In order to stop the land sealing however, the United States must demonstrate its necessity for the preservation and increase of the herd.

Mr. McGUIRE. Is that the present treaty?

Mr. CLARK. That is in the treaty. The present treaty reads that way.

Mr. McGUIRE. If the United States can show that it is necessary to stop land killing in order to increase the herd, we do not have to pay any money?

Mr. CLARK. We do have to pay.

Mr. McGUIRE. We have to pay anyway?

Mr. CLARK. Yes; if we take advantage of our right—that reserved right—we have to pay in lieu of a share in the land catch \$10,000 a year to these parties. When we did stop land killing, however, it was up to us to demonstrate that it was necessary for the preservation and increase of the herd. I have shown you gentlemen that land killing has had no effect as yet and that the herd has, notwithstanding increased  $12\frac{1}{2}$  per cent. Therefore the suspension of land killing is not necessary and is a violation of the treaty.



Mr. McGUIRE. In that event we are violating the treaty right now?

Mr. CLARK. That is certainly what we are doing.

Mr. STEPHENS. Why should we not be expected to do that?

Mr. CLARK. If the treaty is violated, the persons who are interested in this treaty and who stood back of pelagic sealing may say, "You have violated your contract and we will repudiate the treaty." This done, the pelagic fleets will reassemble themselves and begin, again, to kill the female seals at sea.

The CHAIRMAN. If they should accept your version of it; but if they are satisfied, that is the end of it.

Mr. McGUIRE. Oh, yes; if they are satisfied.

Mr. ELLIOTT. They are satisfied.

The CHAIRMAN. One other question. You said a moment ago that Congressman Sulzer asked for help from Dr. Jordan, and that was the reason he sent that telegram. What was the help he asked for?

Mr. CLARK. I mentioned that fact merely to call attention to the fact that Dr. Jordan did not strike out of a clear sky with his telegram to Mr. Sulzer.

The CHAIRMAN. Well, what did Congressman Sulzer ask him to do?

Mr. CLARK. I do not recall that telegram. I do not think I saw it; but Dr. Jordan received a telegram from him and responded. That is all.

Mr. PATTON. It was in answer to a telegram from Congressman Sulzer that he sent his telegram?

Mr. CLARK. Yes, sir.

The CHAIRMAN. That is the reason I asked the question. He said he asked for help, and I thought he could probably clear that up.

Mr. CLARK. I do not think I saw the telegram. My understanding was that Mr. Sulzer had found himself up against a dead wall, that something had to be done, and he asked Dr. Jordan to help him.

By unanimous consent the committee adjourned to meet Wednesday, February 25, 1914, at 10 o'clock a. m.

#### COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE.

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., Wednesday, February 25, 1914.*

The committee met at 10 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Hon. John H. Stephens, Hon. John T. Watkins, Hon. Henry Bruckner, Hon. Bird S. McGuire, and Hon. Charles E. Patten.

#### TESTIMONY OF MR. WALTER I. LEMBKEY.

The CHAIRMAN. Mr. Lembkey, have you a written statement that you wish to submit?

Mr. LEMBKEY. I have not a written consecutive statement, Mr. Chairman. I have some notes here, to which I wish to refer and which I shall follow rather closely, but I have no written statement to submit to the committee.

The CHAIRMAN. You may be sworn.

(The witness was duly sworn by the Chairman.)

The CHAIRMAN. Do you want to proceed in your own way?

Mr. LEMBKEY. I would wish, Mr. Chairman, that I might do so as nearly as possible, in my own way.

Mr. McGUIRE. Would it not be well before the witness starts his own narration to let the record show who he is and his official position?

The CHAIRMAN. He may state that, yes. Are you still connected with the Government?

Mr. LEMBKEY. I am no longer connected with the Government. My name is Walter I. Lembkey, formerly agent seal fisheries, under the Department of Commerce, United States Government.

The CHAIRMAN. For how many years were you agent of the Government?

Mr. LEMBKEY. I was appointed assistant agent at the seal fisheries in 1899, and agent in 1900. I was agent continuously from 1900 until 1913.

Mr. STEPHENS. You had been agent of the United States Government?

Mr. LEMBKEY. On the Seal Islands, yes.

Mr. STEPHENS. On the Pribilof Islands?

Mr. LEMBKEY. Yes.

The CHAIRMAN. When did you leave the service?

Mr. LEMBKEY. My service as agent terminated on the 30th of June, 1913. I was then on the Pribilof Islands, and was continued in the service under a temporary appointment until the 30th of September, 1913.

The CHAIRMAN. You may proceed with your statement, Mr. Lembkey.

Mr. LEMBKEY. Since the last meeting of the committee was held, at which I attended as a witness, the committee has sent its own agents, Messrs. Elliott and Gallagher, to the Pribilof Islands in Alaska, to report upon the conditions there. These agents, after visiting the islands, have made a joint report, in addition to which Mr. Elliott alone has made a separate report, and both of these reports have been incorporated in the reports of the hearings of this committee. Although the Elliott-Gallagher report contains much printed matter already in the hearings, it might be said to consist in the main of a record of their inspection of the rookeries and of the conditions in general on the islands.

I intend to pass over this joint report without comment, except to say that there is nothing that can be found therein to disprove anything I have said to the committee or in my reports, or to show that any material fact or condition relating to seal life had been suppressed or misrepresented by me. I base this assertion upon the fact that the Elliott-Gallagher report fails to disclose anything as a result of their examination bringing into question any statement made by me previous to their examination.

The report of Mr. Elliott alone consists of little new matter, but mainly of a reiteration of old testimony before the committee with a considerable amount of personal matter inserted. To this purely personal matter it is not my purpose to pay attention. There are, however, in the Elliott report several new charges of a nature personal to myself which, for the purpose of the record, I feel that I am

not justified in overlooking, and these I intend to treat as briefly as possible.

On page 263, of hearing No. 1, dated October 13, 1913, occurs the following:

When Morton returned July 11, 1900, to St. Paul Island, he found Lembkey ill and suffering from an ulcerated jaw, or threatened necrosis of his jawbone. Lembkey obtained an immediate leave of absence and left the island at once, on June 13, proceeded direct to San Francisco on Liebes's chartered ship *Homer*, to go under a surgeon's treatment when he arrived there (on or about June 27 or 28, or early in July, 1900).

In the meantime Morton became ill, and died July 15, 1900. He died in the Government agent's house on St. Paul Island. The news of Morton's death reached Washington and San Francisco on or about August 1 to 8 following. Lembkey, who had in the meantime been relieved by surgical treatment, had started back to the islands on the same vessel of the lessees which carried him down, the *Homer*. She sailed on or about August 8 for this return trip to St. Paul. Before he left San Francisco, and while down there on this errand, as above stated, he was a frequent visitor to the office of Isaac Liebes, on those matters of business which were connected with his living on the islands with his family free of all cost for board, together with service for not himself, but for his wife and daughter. He also had the business of his passage up and down free for his wife and daughter on that vessel, and himself, if his allowance of \$600 per annum for traveling expenses did not meet his own trip costs to and from Washington.

Thus Mr. Lembkey became very well acquainted with Mr. Liebes, and the seals never failed to form a common bond of interest. Liebes soon knew Lembkey well.

When Liebes learned of Morton's death, as usual, he at once looked for a "proper successor" for the man whom he could trust as a United States agent in charge. He sent word to David Starr Jordan, then at Palo Alto, that he (Liebes) desired him (Jordan) to telegraph Secretary Gage of the immediate need for selection of a fit successor to John Morton, and that he (Jordan) desired the appointment of W. J. Lembkey; that was done by Jordan, on or about August 25 or 28, or thereabouts. On September 30, 1900, Gage ordered, as Morton's successor, the appointment of Lembkey, and notified Ezra W. Clark that he had done so at the request of Dr. Jordan. Clark had been promised the place and did not fail to tell why he had lost it.

I wish to deny that I was a frequent visitor in the office of Isaac Liebes in 1900 or at any time. I never met Mr. Liebes until 1908 or 1909, when I was introduced to him in Washington.

I wish to deny that I or my family ever received board free on the Seal Islands or anywhere.

I wish to deny that I ever received free transportation on the vessels of the North American Commercial Co.

I wish to deny that Isaac Liebes ever recommended my appointment for the position of agent of seal fisheries, and to deny that any member of the lessee company, or any person connected with the lessee company ever recommended my appointment for that or any other position; and I wish to deny that Dr. Jordan ever recommended my appointment to that position.

Mr. McGUIRE. That is a denial of the whole paragraph.

Mr. LEMBKEY. I deny the whole paragraph; yes.

Mr. McGUIRE. Who made that statement in that paragraph?

Mr. LEMBKEY. It occurs in Mr. Elliott's own report. It is in the text in such a manner as to lead me to infer that it was his own statement.

The CHAIRMAN. Did you come down on a vessel of the lessee?

Mr. LEMBKEY. At what time?

The CHAIRMAN. At the time stated here.

Mr. LEMBKEY. I did not make the entire journey on a vessel of the lessee in 1900, if that is the time you speak of.

The CHAIRMAN. Did you do so at any other time?

Mr. LEMBKEY. Oh, yes; many times.

Mr. McGUIRE. And paid your way?

Mr. LEMBKEY. Always; yes.

Mr. McGUIRE. Always paid your own way?

Mr. LEMBKEY. Always paid my way. On this particular trip I traveled on the vessel of the lessee from the islands to Dutch Harbor, about 200 miles. I left the vessel there and she returned to the islands on what was known as the coal trip. I waited in Dutch Harbor and got on board a vessel called the *Luella*, which was coming down from Nome after having discharged cargo up there, and travelled on her to Eureka, Cal., where she stopped for two or three days, and then continued her journey with me on board of her, until she got to San Francisco. In this particular trip, to which Mr. Elliott refers, I travelled only 200 miles on the company's vessel.

Mr. STEPHENS. Was Mr. Liebes on the vessel?

Mr. LEMBKEY. No.

Mr. STEPHENS. Or any of the lessees?

Mr. LEMBKEY. No.

The CHAIRMAN. Did you go back on the *Homer* from San Francisco?

Mr. LEMBKEY. Yes, I took passage on the *Homer* back from San Francisco.

Mr. STEPHENS. You received your appointment about that time, did you not?

Mr. LEMBKEY. I had received my appointment as assistant agent the year previous to 1900.

Mr. STEPHENS. At the time you took this trip, or before?

Mr. LEMBKEY. That was a year before I took this trip.

Mr. STEPHENS. You received your appointment the year before?

Mr. LEMBKEY. Yes.

The CHAIRMAN. Before we go any further, let me inquire whether it is the wish of the committee that we should let Mr. Lembkey proceed, and then ask questions after he gets through?

Mr. STEPHENS. I think we had better do that.

The CHAIRMAN. I am merely making this as a suggestion now.

Mr. LEMBKEY. I am perfectly willing to have any member of the committee interrupt my statement at any time he desires for the purpose of getting more information on any topic that might arise during my statement. It is a matter, of course, with which I have nothing to do.

Mr. CHAIRMAN. I think the committee will gain time and get better results.

Mr. McGUIRE. Mr. Chairman, I take it that this examination will be very much like the examination of Mr. Clark; that the examination of the chair and some of the members of the committee will be, to a greater or less degree, of the nature of a cross-examination; while my own examination of Mr. Lembkey will be to draw out such facts or such statements as he has in his mind that he wants to make. I think I am more or less familiar with the statements and observations he wants to make. In Mr. Clark's examination, the cross-examination we might say, of the chairman was, in the beginning; that is, the chairman asked the first questions, while the direct examination was conducted more toward the latter part of the examination. I want to get Mr. Lembkey's ideas on a number of propositions that I have in mind. I do not care whether it is first or last, but it rather occurs to

me that it might be better if we have that which might be termed cross-examination after we have heard what Mr. Lembkey has to say, and that I will examine him on these statements, together with some other things that I want to bring in.

The CHAIRMAN. You would rather interrogate him as we go along?

Mr. McGUIRE. Yes; I should like to.

The CHAIRMAN. Then he may proceed with his statement, and you may ask such questions as occur to you. We will proceed in that way. I only mention that because I thought perhaps we could gain time.

Mr. McGUIRE. I am perfectly willing to wait until the last, after the other members of the committee have examined him.

The CHAIRMAN. I think it is all right to interrogate him as you suggest.

Mr. McGUIRE. Mr. Lembkey, who is Mr. Gallagher?

Mr. LEMBKEY. Mr. Gallagher, so far as I know, was the agent of this committee, and arrived on the seal islands in 1913, in company with Mr. H. W. Elliott.

Mr. McGUIRE. Do you know by what authority he was there?

Mr. LEMBKEY. I have this knowledge on that subject. When Mr. Elliott arrived on the island he exhibited to me a letter, which I believe was signed by the chairman of this committee, authorizing him or directing him to proceed to the seal islands, and I think in that letter Mr. Gallagher was mentioned; I had had the idea he was mentioned as a stenographer, but I am not certain.

Mr. McGUIRE. You do not know whether Mr. Gallagher was ever on the islands before?

Mr. LEMBKEY. He was not on the islands previously during the period I was there.

Mr. McGUIRE. He never had been on the islands while you were there?

Mr. LEMBKEY. Previous to 1913; no.

Mr. McGUIRE. Had he ever been connected, so far as you know, with seal killing?

Mr. LEMBKEY. Not to my knowledge.

Mr. McGUIRE. Or as an expert in seal handling and seal killing?

Mr. LEMBKEY. I never heard of him before in that connection.

Mr. McGUIRE. Mr. Elliott makes a statement there that while you were in San Francisco you were a frequent visitor of Mr. Liebes. Who was Liebes?

Mr. LEMBKEY. Who was he? I understood he had some connection with the North American Commercial Co., but beyond that understanding I could not say.

Mr. McGUIRE. You were at that time an employee of the Government on the Pribilof Islands?

Mr. LEMBKEY. I was.

Mr. McGUIRE. And connected with seal killing and seal management in general?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. Is that statement of Elliott's that you, in 1900, visited Liebes frequently while you were in San Francisco, true or false?

Mr. LEMBKEY. False.

Mr. WATKINS. Mr. Chairman, I suggest, in order to conduct the proceedings in a dignified and legislative way—that is, a manner in

which members of a committee of this character should conduct it—that language of that kind ought not to be allowed at all. There is no necessity of getting into a personal wrangle or controversy. The putting of questions of that kind, as to whether it is true or false, is entirely unnecessary, it is unparliamentary, and not only that, but it brings us into disrepute as a committee and lowers the dignity of this committee, and I think the questions should be put and answers should be made in an orderly, dignified, and respectful way.

Mr. STEPHENS. Further than that, it is asking the opinion of the witness, and not calling for a statement of fact. What we are after is a statement of facts.

Mr. McGUIRE. Let me ask this question: Will it be satisfactory to the members of the committee if I ask purely legal questions of the witness?

Mr. WATKINS. I think so, of course, but I do not consider that is a proper question at all to bring up a matter of personal controversy and to lower the dignity of the committee by putting questions of that character, which will bring about a friction between the witnesses, which is entirely uncalled for and unnecessary.

Mr. McGUIRE. Does the gentleman contend that the question which I asked was not a purely legal question, and one which would be admitted, under proper circumstances and conditions, in a court of law?

Mr. WATKINS. So far as my experience as a lawyer for thirty-odd years' standing goes, it would not be; it would not be allowed in a court of law.

Mr. McGUIRE. I think I understand something of the rules of evidence. I have practiced for 16 years in the courts of the United States and various courts of the country, and that is a perfectly proper question, as I understand the law.

Mr. BRUCKNER. I am glad I am not a lawyer! [Laughter.]

Mr. STEPHENS. Let him give the facts and we will draw the conclusions ourselves.

Mr. McGUIRE. But here has arisen a question of evidence.

Mr. STEPHENS. Who is the judge of that, this committee or the witness?

Mr. McGUIRE. The gentleman (Mr. Watkins) states I am wrong as a matter of evidence. My contention is that I am right, as a matter of evidence. I am perfectly willing to produce the authorities. So far as the dignity of the committee is concerned, I think the dignity of the committee was seriously challenged when Mr. Elliott was sent to the islands with a record here of a law violator.

Mr. STEPHENS. Who?

Mr. McGUIRE. Elliott.

Mr. STEPHENS. That is a serious charge you are making. That will require some proof.

Mr. McGUIRE. I have the proof all right. It is undenied.

Mr. ELLIOTT. Where?

Mr. McGUIRE. That he used Senator Burnham's frank, and the evidence is before this committee that Senator Burnham repudiated it.

Mr. ELLIOTT. I deny the statement. You have not proved it, not a scintilla of it. There is not a fragment of proof of that.



Mr. McGUIRE. I want the dignity of the committee sustained, but I am frank to say that I assume that I differ very materially——

Mr. ELLIOTT (interrupting). You haven't got a fragment of proof of that.

Mr. McGUIRE (continuing). With the committee on some things the committee has done.

Mr. STEPHENS. You have your remedy. Appeal to the House. I do not care, as one member of the committee, to be criticized by you. I have done what I thought was right, and have no apologies to make.

Mr. McGUIRE. I want to keep entirely within the rules, and I do not see how I am going to examine this witness where there is a contention as to the legality of the questions asked if a majority of the committee makes a ruling.

Mr. WATKINS. If we want to be technical, we could raise the objection that it is a leading question, calls for the opinion of the witness, and was put in such a manner as to bring about a personal controversy and feeling which is unnecessary.

Mr. STEPHENS. And suggested the answer that was desired.

Mr. McGUIRE. It was a direct question. I asked if that statement was true or false. That is a direct question.

The CHAIRMAN. Let me make a suggestion: For instance, the witness made a statement about some paragraphs on page 263 of hearing No. 1. Let us see whether we can not overcome this by you framing your questions in this way: "Mr. Lembkey, what have you to say about paragraph 2 on page 263?" Then let the witness make his own statement.

Mr. WATKINS. That would not be leading and would not call for the opinion of the witness, and it would not bring the committee in disrepute by using a character of language which is unparliamentary.

Mr. BRUCKNER. Oh, let us get down to hardpan.

The CHAIRMAN. Is there any objection on your part to frame your questions in that way?

Mr. McGUIRE. Oh, no. I do not want to be placed in the position here of asking improper questions. That question, however, does not call for an opinion of the witness. That question calls for a fact. The witness stated the facts as he understands them to be. If I ask whether any statement is true or false, if he knows, he can state, so it is not an opinion. But I will see if we can not get along without any friction.

The CHAIRMAN. I believe we can, if you will just direct the witness's attention to what you want him to explain, and let him do it in his own way.

Mr. McGUIRE. I think probably we can manage it all right.

The CHAIRMAN. Let us try it, anyhow.

Mr. McGUIRE. Mr. Lembkey, you say that this charge that you were frequently at Liebes's in 1900 was made, and that in fact you never met Liebes until eight or nine years after that? Is that true?

Mr. LEMBKEY. That is true.

Mr. McGUIRE. Do you know why Mr. Elliott would make a statement of that kind?

Mr. LEMBKEY. I have no idea—that is, I do not know.

Mr. McGUIRE. The statement in the Elliott report which you have just read is to the effect that Liebes recommended you for the posi-



tion to which you were appointed instead of Mr. Morton? Did Liebes recommend you?

Mr. LEMBKEY. He did not, to my knowledge.

Mr. McGUIRE. I believe you stated you did not even know him at that time?

Mr. LEMBKEY. I did not know him at that time.

Mr. McGUIRE. Who appointed you?

Mr. LEMBKEY. The Secretary of the Treasury appointed me. Just who he was at that time, I do not know, but I would infer it was Mr. Gage.

Mr. McGUIRE. How long had you then been in the employ of the Government?

Mr. LEMBKEY. For about 11 years, as nearly as I can remember. I was appointed first in 1890 as a clerk in the Treasury.

Mr. McGUIRE. You may proceed with the next proposition which you have in mind.

Mr. LEMBKEY. I wish to take up briefly the effect of salt on seal-skins. In the previous hearings of the committee considerable stress was laid upon the question whether sealskins gain or lose weight as the result of being salted. Special attention was paid to this point because it was charged by Mr. Elliott that agents of the department had purposely and wrongfully killed on the islands seals having skins weighing less than the regulations permitted, which skins when salted would gain enough weight through salting to bring them within the limits of weight prescribed by the department. Mr. Elliott claimed that the effect of salting was to increase considerably the weight of a skin. Mr. Elliott's argument was that the skin would absorb a portion of the salt with which it came in contact, thereby increasing the weight to that extent.

The argument of Dr. Evermann and myself was to the effect that salt extracted the animal juices from the pelt and the blubber through the action of osmosis, substituting for those juices a saline solution, and that the net result of this interchange of fluids was a loss in weight in the pelt. As evidence, the weights of green skins taken on the islands for several years were produced before the committee by me and others, together with the weights of the same skins taken in London after those skins had been in salt for some months. A comparison of the island green and the London salt weights showed that no increase in weight from salting had occurred in those skins.

Mr. BRUCKNER. Did not Mr. Clark state Monday morning that the skin was three or four ounces heavier after it was salted?

Mr. LEMBKEY. I did not hear him make that statement.

Mr. McGUIRE. No; he did not make that statement. He stated that these particular skins were heavier because the rock salt was left in there.

Mr. BRUCKNER. Oh, yes, that is right.

The CHAIRMAN. I want to direct the attention of the witness to something which may help him to clear it up: These 400 skins that were discussed before the committee were weighed on the islands before they were salted and after they were salted, were they not?

Mr. LEMBKEY. I superintended the weighing of them before they were salted. I understood that afterwards they were weighed by others. I was not present at that weighing.

The CHAIRMAN. I only spoke of that at this time because that would be a pretty good way to settle the salt question that we have had so much dispute about heretofore.

Mr. McGUIRE. I understand the witness is now testifying about other skins which he salted.

Mr. BRUCKNER. The witness in testifying stated that the skins were not heavier after being salted. I was led to believe they were by a statement made by Mr. Clark on Monday morning, as I understood it. That is the reason I raised the question. I am frank to admit I do not know the first thing about it. I only desire information.

Mr. McGUIRE. I think you will find, upon examination of the record, that you misunderstood Mr. Clark's statement.

Mr. BRUCKNER. Undoubtedly you are correct.

Mr. McGUIRE. You may proceed, Mr. Lembkey.

Mr. LEMBKEY. Several instances also were cited of the weighing of green skins on the island and the subsequent weighing of them after salting while the skins were still on the islands, the comparison of which weights bore out our contention that those skins lost weight through salting. Mr. Elliott had never performed any experiments to determine what change, if any, occurred in the skins through the action of the salt and therefore was unable to produce any evidence to support his contention.

While the green and salt weights of sealskins had been compared several times on the island, as a matter of fact no extended and systematic effort had at this time ever been made by anyone to determine this question. For this reason, and after the hearings mentioned had been concluded, the Bureau of Fisheries determined to conduct experiments on a large scale for the purpose of ascertaining definitely and conclusively what effect salt had on the weight of sealskins. It was determined to weigh every skin that was taken from seals killed in the season of 1912 before any of the skins were placed in salt, to number each skin with a serial number on a tag attached permanently to the skin, and to weigh the same skins after they had been in salt for varying periods, and by a comparison of the green and salt weights thus taken to determine just what change, if any, occurred in the skin as a result of its being brought into contact with salt. This experiment was carried out. Every skin taken on the islands that year, so far as I know, was provided with a permanent numbered tag, so that the skin might thereafter be identified, was weighed just after it had been removed from the animal and before it had been salted, and afterwards weighed after it had been in salt for periods varying from a few days to over a month. These weights thus obtained were furnished to the Bureau of Fisheries and are now on file there. As I am not now connected with the bureau, it is impossible for me to furnish a complete list of those weights to the committee. I am able to furnish the committee, however, with the weights of over 200 skins which were weighed by me and others during the period stated, and in accordance with the methods outlined, which weights are published in Bureau of Fisheries Document No. 780, being a report on the fishery and fur industries of Alaska in 1912.

The CHAIRMAN. When you said "weighed by you and others," whom do you mean by "others"?

Mr. LEMBKEY. These were the two hundred and odd skins that Mr. Clark has mentioned in his testimony, and they were weighed by the joint efforts of Mr. Clark, Mr. Marsh, and myself, and all the white and native population of the islands, as a matter of fact. During the experiment, I suppose every man on the islands, both white and native, had something to do with it.

I desire to submit for the record an extract from the report made of this experiment, found on pages 83 to 95 of the document cited. I think it would be of considerable interest to the committee to be able to determine just how this experiment was made, and for that reason I have quoted in full from this report those pages therein which have particular reference to this experiment. Perhaps the committee does not wish me to read this, and if so, I will hand it to the stenographer without reading.

Mr. McGUIRE. It will be all right to have that made a part of the testimony of the witness?

The CHAIRMAN. I think so. That may be inserted in the record.

Mr. STEPHENS. By whom was that report made?

Mr. LEMBKEY. That is an extract from a report made by myself on this subject.

Mr. STEPHENS. To whom?

Mr. LEMBKEY. To the Commissioner of Fisheries.

Mr. STEPHENS. When?

Mr. LEMBKEY. In the year 1912.

Mr. STEPHENS. Has it ever been published?

Mr. LEMBKEY. It has been published, as I just stated, and may be found in Bureau of Fisheries Document No. 780.

Mr. STEPHENS. At what pages?

Mr. LEMBKEY. Pages 84 to 93, both inclusive.

Mr. STEPHENS. If it has been printed, why should we reprint it?

Mr. LEMBKEY. I desire to have this appear in my statement at this point, if the committee will permit it, because it gives an explanation much better than I could give orally of the experiment and of all the facts connected with it.

Mr. STEPHENS. I have no objection.

The CHAIRMAN. It will be printed in the record at this point.

(The extract from Bureau of Fisheries Document No. 780, thus referred to, is as follows:)

Tags for convenient use were each provided with about 18 inches of twine, doubled in the middle and looped through a hole in the tag. They were next arranged serially on wires, 200 to each wire. These tags, as many as might be needed, thus could be carried about to be affixed to skins without danger of disarranging the sequence of numbers.

On St. Paul, during the season ending August 11, 1912, each skin was given a numbered tag, beginning with No. 1 and running consecutively to No. 2880, which last number represented the total number of skins taken. Such skins as will be taken on St. Paul hereafter will be numbered from 2881 consecutively until each of the skins taken has been furnished with a tag. Through a misunderstanding of instructions by the assistant agent in charge on St. George Island only the skins taken on that island during the regular killing season (July) were tagged. These were 446 in number and received tag numbers G1 to G446, both inclusive.

#### MARKING, WEIGHING, AND MEASURING SEALSKINS.

The tags were attached to the skins after the latter had been brought to the salt house. There the skins were placed on one of the outside platforms and about six men engaged in the work of tagging them. This was done by tying the 18-inch loop

of string attached to the tag through one of the flipper holes. The tagged skins were then carried into the salt house and placed on a large table, care being taken that the skin should not come into contact with salt until after its green weight was taken. On the table with the skins was a small pair of beam scales, with a scoop on one side and counterpoise and loose iron weights on the other, and with a brass notched plate in front, graduated to quarter ounces and provided with a movable poise. The scales were manufactured by Fairbanks-Morse, and were calibrated with weights furnished by the subtreasury in San Francisco. To facilitate weighing, each skin on the table was folded up into a compact bundle with its tag hanging outside. A series of sheets of paper serially numbered also had been prepared.

In weighing, each skin was taken up from the table by one man who announced the number on its tag to the man who was to record the weights. The skin was then laid on the scoop and the scale carefully balanced by a third person, who announced the weight of the skin. This weight as announced was written down on the serially numbered sheets in the space opposite the proper tag number. After this number was recorded and checked back, the green skin was for the first time tossed aside upon the loose salt. When all the skins in the killing had been weighed, they were salted in kenches. After five days they were taken out of the kenches, examined on a table for places defectively salted, and then more lightly salted outside the kenches in a pile called the "book."

Under usual circumstances, the weight of the salted skin was not ascertained until it was taken out of the book for bundling. In the case of over 200 skins, however, the salt weights were ascertained immediately upon being taken out of the kench, and likewise again when taken out of the book. A report on these latter skins, with the data obtained from weighing them out of the kench, appears elsewhere.

In recording the salt weights the sheets previously used for recording the green weights were again taken into the salt houses, and the salt weights inserted thereon in the blank spaces left for that purpose opposite the serial number and the green weight. At the time of taking the salt weights the salted skin was also measured for greatest length along the median line of the back, and for greatest width across the skin at the fore-flipper holes. These measurements were also recorded opposite the serial number and the weights, so that each sheet contains a completed record of the serial number, green and salt weight, and salt measurement of each skin recorded on it. Copies of these completed sheets are on file at the Bureau of Fisheries.

In making these data, as before described, the greatest attention was paid to accuracy. Having only a few skins, there was time enough to weigh and measure each skin carefully. To kill some 200 seals, however, and to weigh the skins in the manner in which it was done last summer occupied the time from early morning until after 3 in the afternoon, a delay that will be impossible when the number of skins taken becomes larger. It was thought, however, that if complete data regarding the changes that might occur to skins through salting were gathered this year, it would establish a principle, and would make it unnecessary to repeat the labor in subsequent years.

#### SPECIAL EXPERIMENTS IN MEASURING AND WEIGHING SEALSKINS.

In addition to comparing the weights of skins green and after salting, and ascertaining their measurements in the salted state, efforts were made to obtain also as accurate information as possible of the measurements of skins when green—i. e., before being salted—with a view of determining what change, if any, occurs in the size of the skin from the action of salt. To acquire this information it was necessary to measure the animal before it was skinned, to measure the fur remaining on the animal after skinning, to measure as accurately as possible the green skin itself, and, finally, to measure the skin after it had been in salt.

It has been a much-mooted question whether green skins could not be measured and thereby furnish a much better test of the age of the animal than the present method of weighing the skin. By those familiar with the subject it has been contended that the skin when green is so elastic and pliable that by the smallest pressure it can be made to stretch inches; also that the tendency of the green skin is to retreat or curl into itself, and merely to uncurl it requires pressure enough to stretch the skin in any direction the pressure may be applied. To have actual experiments made in attempts to measure green skins was the only exact method known of determining the question raised, and was the object of the work about to be detailed.

On July 9, 110 large 2-year-old seals were killed for this purpose and to furnish food for the natives. The method employed was as follows:

The seals were first stunned by clubbing and laid in a row. One of the serially numbered leather tags already mentioned was then affixed to the hind flipper of each seal. This remained until the skin was removed, when the tag was at once taken off the

flipper and tied to the skin in the flipper hole, from which place it was not thereafter removed. This insured the identification of the skin with the weights and measurements made before skinning. The length of each animal from tip of nose to root of tail was then ascertained by means of a steel tape laid along the middle of the back. The girth was next ascertained by drawing the tape around the animal just back of the fore flippers. The weight of the entire animal was then ascertained, after which it was bled to death.

When dead, the usual incisions were made preparatory to removing the skin from the carcass, as follows: One incision along the belly from the jaw to the anus; another, a circular incision, beginning at the jaw completely around the head and as close to the eyes as possible; another circular incision beginning at the anus around the posterior end of the body, completely denuding that portion of the body of fur and leaving the entire tail appended to the skin, and also cuts around each fore flipper near the elbow, just beyond the fur.

After the circular incision was made about the head, the length of the "mask," as is termed the fur remaining on the animal after it has been skinned, was ascertained. This was done by laying a steel tape on the back of the head on the same line on which the length of the animal was ascertained, and measuring the mask from the circular incision to the tip of the nose. By these means were ascertained the length and width of the pelt while on the animal, and the length of the area of the fur left on the animal after the skin was removed. If no changes occurred in the size of the skin through the operation of removing the pelt, or through salting, it would follow that the length of the skin should equal the total length of the animal from tip of nose to root of tail, after deducting the length of that portion of the skin left on the head by the skinners. The width of the skin should equal the girth of the animal.

It should be recalled that the measurement of the animal was taken to root of the tail, and that the root of the tail, as well as the tail itself, was removed with the skin. In computing what should be the normal length of the skin after removal, therefore, no deduction should be made on account of any supposed portion of the pelt left on the posterior end of the animal, as no skin with fur on it remains on that portion of the carcass after skinning.

After weighing the animals in the field and measuring them, as before stated, the carcasses were skinned and the skins taken to the salt house. There each skin was weighed and the weights so taken arranged serially according to the numbers borne by the tags affixed to each skin.

Before salting these skins, however, an effort was made to arrive at something approaching the true dimensions of these green skins. The proper method of obtaining these data, if any proper method existed, had been discussed previously by Messrs. Marsh, George A. Clark, and Lembkey. Knowing the elastic and pliable nature of a green sealskin, it was believed that no method could be devised of obtaining the dimensions of such a skin which would in any way compare consistently with the dimensions of the same skin after it was salted. On this point all were agreed. It was hoped, however, that although the green and salt dimensions never could be correlated satisfactorily, perhaps some method could be devised for measuring the green skins, which, used upon all alike, might have some value. It was suggested that each green skin be held up by its tail against a pole graduated with inches or centimeters, until its other end barely touched the ground, and its length as shown recorded. The skin, in this manner, would be stretched merely by its own weight, and the length obtained be a fair, or at least a somewhat reliable, indication of its size and also its age.

It was also suggested that the quantity of blubber on the skin would be a vital element in using this method, and would influence the length greatly, without regard to the age of the animal. For example, if two seals of exactly the same size were skinned, one with only a small quantity of blubber on the skin and the other with a large quantity of blubber, the heavily blubbered skin would be the longer when measured by the method suggested, and therefore appear as the skin of a larger animal because the weight of the blubber would stretch it farther. It was then suggested that a fair attempt could be made to arrive at the size of a skin when in a green state by having the men lay each green skin in the kench for salting, and in that state, just before salt was thrown upon it, to measure the skin for length and breadth, without any further attempt to straighten it out. This method seemed by far the most sensible in attempting to measure green skins, and it was tried.

Accordingly, before these skins were salted, but after each was laid in the kench by the native workmen preparatory to having salt thrown upon it, it was measured by laying a steel tape across its greatest length and width as it lay. The number on the tag which each skin bore was noted also, and the measurements arranged in accordance with these numbers. No instructions were given to the men as to how to lay the



skins in the kench previous to measuring them, except that they should be laid as ordinarily they would be laid for salting. No instructions whatever were given the native men as to how the seals should be skinned, i. e., whether more or less blubber should be left on the skin.

These skins were then salted by having three shovelfuls of salt thrown upon each. This is one more shovelful than would be thrown upon them were a large number to be salted. On July 17, eight days after they were first salted, they were hauled out of the kench, measured and weighed, and again salted, but more lightly, in the book.

On July 16, another 100 seals, approximately, were treated in exactly the same manner as were those taken on July 9. On July 22, six days thereafter, they were hauled out, weighed and measured again, and booked.

From these 210 skins interesting data were gathered. So far as the weights are concerned, it is shown that without exception these skins lost weight in salt during periods of eight and six days, respectively. Some lost as much as 10 per cent, some lost only a fraction of 1 per cent; but without exception all lost weight. Moreover, the salted weights of all skins taken during the summer, including the 210 specially mentioned here, when contrasted with the green weights of the same skins, demonstrate the fact that over 95 per cent thereof lost weight through salting.

As regards measurements, the data show that by the best methods that could be devised it was not possible to measure a green skin within inches of its subsequent dimensions after salting. It was found, furthermore, that the measuring of green skins in the kench just before salting so delayed and confused the native workmen that the time necessary to salt each 100 skins was increased more than one hour, while numerous inaccuracies in salting were discovered afterwards, which undoubtedly were due to the confusion incident to measuring, and which had they not been discovered within a week would have seriously depreciated the value of the skins.

The table of measurements constructed from these operations is interesting in showing that at no time after the pelt has been removed from the carcass does it assume the dimensions it had while on the animal. While the time necessary to prove the fact has not been afforded, it is believed that the skin on the live animal is in a state of tension, varying in degree as the animal may be fat or lean—if fat, the tension is greater; if lean, the tension is less. A contraction of the skin seems to occur immediately upon its removal from the animal; whether this is due to the releasing of the natural tension of the skin, or whether there is an actual muscular contraction due to the reflex of muscles which continued to contract for a short period after death, it is not possible to say. It is certain, however, that as accurate a measurement of the green skin as can be made shows that it is inches shorter and narrower than before its removal from the body. The effect of salting was to increase in every instance the size of the green skin as ascertained previous to salting. However, neither the length nor the width of the salted skin equals that of the same skin on the animal. This can be made more apparent by a scrutiny of the table of comparative sizes of green and salted skins with the length and width of that skin on the animal.

On June 27, 10 skins were picked out at random from those lying on the pile with only the hair side exposed, and were weighed just as they came from the field. After this first weighing they were given to expert skimmers with instructions to remove carefully all blubber from each pelt. After the blubber was so removed the skins were weighed again and salted. On August 1 and 7 they were again weighed. The results of the weighing are here given in detail:

*Weights of sealskins with and without blubber and before and after salting.*

Serial number.	With ordinary blubber.		With no blubber.		Aug. 1, after 5 days' salting.		Aug. 7, after 11 days' salting.	
	Pounds.	Ounces.	Pounds.	Ounces.	Pounds.	Ounces.	Pounds.	Ounces.
675.....	6	12	5	1.75	4	13.25	4	14.75
676.....	6	8	5	1.25	5	2.25	5	3.75
677.....	6	14.5	5	6.25	5	2.25	5	5.75
678.....	6	14.75	5	2.75	5	1.75	5	5.5
679.....	5	4	3	7.25	3	8.5	3	9
680.....	6	14.75	4	12.5	4	11.25	4	12.5
681.....	7	1.75	5	4.5	5	.....	5	1
682.....	6	13.25	4	12.75	4	8	4	12
683.....	6	15.5	4	13.75	5	.5	4	15.25
684.....	5	6.75	3	14.75	4	2.5	4	3.25
Total.....	65	9.25	47	13.5	47	2.25	48	2.75

This is an interesting experiment on the effect of salt upon skins from which all blubber was removed before salting. These skins when salted green, however, were dry, i. e., carried no moisture other than the animal juices, whereas after salting they were dripping wet from the water in the bottom of the kench where they had been salted. The result, nevertheless, would indicate that the greatest loss in weight through salting occurs from the blubber adhering to the skins, and not from the skins themselves.

The net results of all these experiments is to show conclusively that sealskins do not gain weight in salt, but on the contrary lose weight through the action of the salt on them. Were it possible to have all skins taken off the carcass with a uniform thickness of blubber adhering, to have them at the time of salting each carry the same amount of moisture, and to have each absorb the same amount of moisture while in salt, it is certain that each skin would show the same percentage of loss in weight through salting. It is impossible, however, to have these conditions uniform. If the day be dry, the fur on the skin will be dry, and will be salted without moisture other than that furnished by the natural animal juices in the pelt. If the seals on such a day are "dipped" in a pond before killing, as often occurs, or if rain be falling at the time of killing, the skins will reach the salt house with varying quantities of moisture and be salted in such condition. When afterwards the skins are weighed out of salt, the differing amounts of moisture in them undoubtedly will affect accordingly the percentage of loss in weight.

It must be understood, also, that moisture, both from that carried in the fur, if the fur be wet when salted, and that extracted from the pelt itself by the action of the salt, is expressed from the skins in salt by the pressure of the skins above when salted in the kench and when in the pile known as the book. Water always is found on the floors of kenchs, and those skins at the bottom are immersed in it. Likewise, there is always seepage from the book of liquid from the upper skins which saturates those skins salted below them. When these wet skins are weighed out of salt they must of necessity weigh more, because of the presence of this moisture, than those from which the moisture has been extracted, thereby causing a variation in the percentage of loss in weight through salting.

It must be remembered, furthermore, that probably no two skinners skin seals alike. Some skinners unknowingly leave more blubber on than do others. Some leave a uniformly thin layer of blubber over the entire skin, and others, because of a relative lack of skill, will leave irregular patches of blubber of varying thickness. Others, because of an eccentric manner of holding the skinning knife, will shave the skin closely with the point, but will leave the blubber much thicker toward the haft. If the skin carries blubber of equal thickness over its whole surface, necessarily the action of the salt will be uniform over the entire skin. If, on the other hand, the skin contains blubber in areas of uneven thickness, or if it carries blubber on some portions and no blubber on other portions, the action of the salt will be unequal in effect, because salt can not penetrate a thick mass of blubber as quickly as a thin layer.

So also, new salt, which contains many fine particles as well as the coarse grains, will act more quickly and effectively upon skins than will old salt. The smaller particles in the new more readily dissolve and form solution; besides, the old salt has become more or less coated with grease from previous contact with skins; the smaller particles have been dissolved for the same reason, leaving only the larger grains, which dissolve less readily. These, and perhaps all other elements, operate to change or vary the percentage of loss of weight from sealskins through salting. That these skins almost invariably do show a loss of weight through the action of salt on them is remarkable in view of the many factors which operate to influence the weight.

If a test must be applied by which the work of killing seals on the islands is to be checked, that test should be by weighing the skins as heretofore, and not by measuring the skins, as has been suggested. The test of weight can be applied immediately after the animal has been killed and skinned, and thereby a close connection can be kept in the minds of the workmen between the size of the animals taken and the weights of their skins. On the other hand, it has been shown that no test of the size of the skins which is worthy of consideration can be taken until at least five days after the animals have been driven, slaughtered, and skinned. If the killing gang must wait five days before knowing whether the seals taken on any date are taken conformably to regulations, or the contrary, it is submitted that the information, when finally obtained, will lose much of its value.

These tests are useful, not so much in instructing the sealers as to their duties, but in convincing others that the work of the sealers is in conformity with regulations. Assume, for example, that the regulations prescribe the killing of 2-year-olds only. It is obvious that whatever test is prescribed, whether by the weight or size of skins,



can not be applied until after the animal has been killed and skinned, when it is too late to rectify any mistakes with regard to their taking. The clubber must first kill the seals before he can either weigh or measure their skins, and in selecting them for killing he must depend solely upon his judgment and his experience. He must be able to tell accurately the ages of the seals coming before him, and he must, in advance of weighing, guess the weight of a skin on a live seal to within a few ounces. So far as is known, there is no method whereby to determine mathematically the age of a seal, or the size and weight of its skin previous to the death of the animal. Any method, therefore, can not be an aid to the seal killer except in so far as he may by it be able to verify the accuracy of his work after it has been done.

The various weights and measurements of seals and sealskins taken during the summer are appended.

*Comparison of green and salt weights of sealskins taken on St. Paul Island in July, 1912.*

IN SALT JULY 9 TO 16, INCLUSIVE.

Serial No.	Green weight.		Salt weight.		Decrease.		Serial No.	Green weight.		Salt weight.		Decrease.	
	Lbs.	Oz.	Lbs.	Oz.	Oz.	Per ct.		Lbs.	Oz.	Lbs.	Oz.	Oz.	Per ct.
26	5	0.25	4	10.5	5.75	7	81	5	8.5	5	1.25	7.25	8.1
27	4	2	3	14.25	3.75	5.6	82	5	0	4	13.25	2.75	3.4
28	5	15.5	5	8.5	6	6	83	5	10.25	5	4.75	5.5	6.1
29	6	2.25	5	10.25	8	8	84	5	12.75	5	5.5	7.25	7.8
30	5	5	4	15.25	5.75	6.7	85	5	9.75	5	5.25	4.5	5
31	6	7.75	6	2.25	5.5	5	86	5	12.75	5	6.75	6	6.4
32	5	12.25	5	4.75	7.5	8	87	5	6	5	.25	5.75	6.6
33	6	1.25	5	7.75	9.5	9.7	88	5	14.25	5	8.25	6	6.3
34	5	2	4	13.5	4.5	5	89	6	6.75	6	.5	6.25	6
35	5	0	4	10.5	5.5	6	90	6	10.25	6	3.75	6.5	6.1
36	4	14.5	4	8.25	5.25	6.6	91	6	2.5	6	14.75	3.75	4.5
37	5	2.75	4	12.5	6.25	7.5	92	6	13.75	6	7.5	6.25	5.6
38	5	12.25	5	7	5.25	5.6	93	6	6.75	5	15	7.75	7.5
39	4	11.75	4	8.25	3.5	4.6	94	4	6	4	2.5	3.5	5
40	5	7.75	5	0	7.75	8.8	95	6	5.25	5	13	8.25	8.1
41	6	10	6	3.25	6.75	6.7	96	5	15	5	7	8	8.4
42	5	6.75	5	3.5	3.25	3.7	97	7	14.75	7	5.25	9.5	7.4
43	6	1.5	5	9.75	7.75	7.9	98	7	7.75	6	15.25	8.5	7
44	6	.75	5	9.25	7.5	7.7	99	6	10	-----	4.5	5.5	5.1
45	6	2.25	5	13.25	5	5	100	6	12.75	6	9.75	3	2.7
46	5	5.25	5	1.75	3.5	4	101	6	3.5	5	10.25	9.25	9.2
47	4	8.5	4	3.75	4.75	6.5	102	7	5.5	6	14.75	4.75	4
48	4	14	4	11.5	2.5	3	103	6	15	6	10.75	4.25	3.8
49	5	10.25	5	1.25	9	9.9	104	6	12.5	6	8	4.5	4.1
50	5	5.5	5	0	5.5	6	105	6	1.25	5	14.75	2.5	2.5
51	5	14.25	5	8.5	5.75	6	106	7	2.75	6	14.25	4.5	3.9
52	6	3.5	5	10.75	8.75	8.7	107	6	4.25	6	.75	3.5	3.4
53	6	10.5	6	5	5.5	5	108	7	0	6	6.5	9.5	8.4
54	5	15.25	5	8.5	6.75	7	109	7	15	7	11.5	3.5	2.7
55	5	14.75	5	8.5	6.25	6.5	110	6	2.5	6	2.25	.25	.2
56	5	3	4	13.5	5.5	6.6	111	5	1.75	4	15	2.75	3.3
57	5	13.5	5	7.75	5.75	6.1	112	7	6.5	6	14.5	8	6.7
58	5	7.5	5	3.25	3.75	4.2	113	6	14.75	6	9	5.75	5.1
59	6	7.5	5	15	8.5	8.2	114	6	14.5	6	6.75	7.75	7
60	5	0	4	11.5	4.5	5.6	115	6	2.75	5	11.25	7.5	7.5
61	5	8.75	5	1.25	7.5	8.4	116	5	10.25	5	6.25	4	4.4
62	5	7.5	5	2.5	5	5.7	117	7	.25	6	7.5	8.75	7.7
63	5	15.25	5	6.25	9	9.4	118	7	0	6	15.75	.25	.2
64	6	11	6	3.25	7.75	7.2	119	7	4.5	7	3.5	1	.8
65	-----	11.75	6	3	8.75	8.1	120	6	15.75	6	8.25	7.5	6.7
66	6	7.5	6	1.75	5.75	5.5	121	6	3.75	5	15	4.75	4.7
67	5	15.25	5	9.25	6	6.2	122	7	8	7	1.75	6.25	5.2
68	4	14.25	4	10.5	3.75	4.6	123	5	15	5	10.75	4.25	4.4
69	5	6.25	5	.75	5.5	6.3	124	7	0	6	8.5	7.5	6.6
70	5	5.75	5	2.25	3.5	4	125	7	14.5	7	4.5	10	7.9
71	6	6	5	12	10	9.8	126	6	12.25	6	8	4.25	3.9
72	6	2	5	15.25	2.75	2.8	127	5	15.75	5	12.25	3.5	3.6
73	5	5.75	4	14.25	6.5	7.5	128	5	5.75	5	3.5	2.25	2.6
74	4	2.25	3	15	3.25	4.9	129	4	8.75	4	5.25	3.5	4.8
75	5	12	5	5.5	6.5	7	130	5	8	5	5.5	2.5	2.8
76	5	7.75	5	3	4.75	5.4	131	5	5	4	3.5	17.5	20.5
77	5	9	5	5.25	3.75	4.2	132	5	7.5	5	5.25	2.25	2.5
78	5	15.5	5	12	3.5	3.6	133	5	3.25	4	12.75	6.5	7.8
79	4	14.75	4	9.25	5.5	6.9	134	4	7.75	4	5.5	2.25	3.1
80	4	14	4	11	3	3.8	135	5	4.75	4	15.5	5.25	6.1

Comparison of green and salt weights of sealskins taken on St. Paul Island in July, 1912—  
Continued.

IN SALT JULY 16 TO 21, INCLUSIVE.

(Bureau of Fisheries Document, No. 780, pp. 84 to 93, both inclusive.)

Serial No.	Green weight.		Salt weight.		Decrease.		Serial No.	Green weight.		Salt weight.		Decrease.	
	Lbs.	Oz.	Lbs.	Oz.	Oz.	Per ct.		Lbs.	Oz.	Lbs.	Oz.	Oz.	Per ct.
136	6	2.5	5	11.5	7	7.1	204	5	1.25	4	11.75	5.5	6.7
137	5	12	5	5.25	6.75	7.3	205	5	0.25	4	10.75	5.5	6.8
138	5	5	4	15.75	5.25	6.1	206	4	12.5	4	5.75	6.75	8.8
139	6	5.25	5	12	9.25	9.1	207	5	12.5	5	7	5.5	5.9
140	5	15	5	8.5	6.5	6.8	208	4	14.5	4	9.5	5	6.4
141	5	1	4	12.25	4.75	5.8	209	6	8.25	5	15	9.25	8.8
142	5	12	5	8.25	3.75	4	210	5	4.75	4	15.5	5.25	6.2
143	5	8.75	5	2.75	6	6.7	211	6	10.5	6	4	6.5	6.1
144	4	12.5	4	11.75	0.75	0.9	212	6	2	5	12	6	6.1
145	5	9.5	5	3.25	6.25	6.9	213	6	3.75	5	13.75	6	6
146	5	13.25	5	10	3.25	3.4	214	5	9.5	4	15.25	10.25	11
147	5	13.25	5	5	8.25	8.8	215	5	14.25	5	6.5	7.75	3.4
148	7	3	6	14.5	4.5	3.9	216	6	0.25	5	13	3.25	3.4
149	5	8	5	3.5	4.5	5.1	217	5	10.25	5	5.5	4.75	5.1
150	5	14	5	6.5	7.5	7.9	218	5	12.25	5	3.25	9	9.7
151	7	2.25	6	8.5	9.75	8.5	219	4	15	4	8	7	8.8
152	7	11.25	7	0	11.25	9.1	220	5	6	5	2.5	3.5	4
153	6	7.5	5	15	8.5	8.2	221	6	10	6	1.5	8.5	8
154	6	7.75	6	1	6.75	6.5	222	5	6.5	4	15	7.5	8.6
155	7	1.5	6	12	5.5	4.8	223	5	7.5	5	1	6.5	7.4
156	7	0.25	6	9.75	6.5	5.7	224	5	1.75	4	14	3.75	4.6
157	7	0.25	6	7.5	8.75	7.7	225	4	3.25	4	1.25	2	2.9
158	5	2.75	4	14.25	4.5	5.4	226	5	8.75	5	1.25	7.5	8.4
159	6	7.75	5	10.5	13.25	12.7	227	5	6.25	4	13.75	8.5	9.8
160	6	5	5	10.25	10.75	9.6	228	5	11.75	5	3.75	8	8.7
161	5	8.25	5	0.75	7.5	8.5	229	5	1	4	12.75	4.25	5.2
162	6	15.25	6	11.5	3.75	3.3	230	6	10	6	2	8	7.5
163	5	3.5	4	14.75	4.75	5.6	231	6	0	5	10.25	5.75	5.8
164	7	9	7	1.75	7.25	5.9	232	6	6.75	6	1.5	5.25	5.1
165	5	7.5	5	1.5	6	6.8	233	5	2.25	4	15.75	2.5	3
166	6	15.5	6	3.25	12.25	10.9	234	4	12.75	4	7.75	5	6.5
167	7	2.25	6	10.25	8	7	235	5	15.25	5	12.25	3	3.1
168	5	3	4	12.25	6.75	8.1	236	5	13.5	5	6	7.5	8
169	4	12	4	10.5	1.5	1.9	237	7	0	6	8.75	7.25	6.5
170	5	9	5	5.75	3.25	3.6	238	6	3.75	5	15.75	4	4
171	6	0.5	5	12	4.5	4.6	239	7	7.25	6	14.75	8.5	7.1
172	6	2.75	5	13.75	5	5	240	5	1	4	12.5	4.5	5.5
173	6	0	5	11.75	4.25	4.4	241	4	5.25	4	1.5	3.75	5.4
174	5	9.5	5	3	6.5	7.2	242	4	3.75	4	1	2.75	4.1
175	5	10.25	5	4.5	5.75	6.3	243	3	13.25	3	11.25	2	3.3
176	5	8.25	5	3	5.25	5.8	244	3	15	3	12	3	4.8
177	5	0.5	4	11	5.5	6.8	245	5	4.75	5	2	2.75	3.2
178	6	1.25	5	12	5.25	5.4	246	5	0.25	4	14.75	1.5	1.8
179	5	5	4	15	6	7	247	5	0.75	4	14.5	2.25	2.8
180	6	1.25	5	12.25	5	5.1	248	5	0	4	12.75	3.25	4.1
181	4	14.5	4	11.25	3.25	4.3	249	4	13.75	4	9	4.75	6.1
182	6	3	5	12.5	6.5	6.5	250	5	6.5	5	2.25	4.25	4.9
183	6	13.25	6	6	7.25	6.6	251	5	4.5	4	15.5	5	5.9
184	6	2.5	5	11	7.5	7.6	252	4	10.5	4	8.25	2.25	3
185	5	12.5	5	4.75	7.75	8.3	253	3	11.25	3	9.25	2	3.5
186	5	7.5	5	3	4.5	5.1	254	4	15.5	4	11.75	3.75	4.7
187	6	0.5	5	8.25	8.25	8.5	255	4	2.5	3	13.5	5	7.5
188	5	11.25	5	6.25	5	5.4	256	4	15.75	4	11	4.75	5.9
189	7	14.75	7	6.25	8.5	6.7	257	4	12	4	8.25	3.75	4.9
190	7	3	6	9.5	9.5	8	258	4	2.5	4	0	2.5	3.7
191	5	15.75	5	9.25	6.5	6.7	259	3	15.5	3	13	2.5	3.9
192	6	3.25	5	10.5	6.75	6.8	260	5	0	4	12.5	3.5	4.3
193	6	11	6	2.25	8.75	8.1	261	5	0	4	10.75	5.25	6.5
194	4	12.5	4	9.25	3.25	4.2	262	4	0	3	13	3	4.6
195	6	2.75	6	0.75	2	2	263	6	3.25	5	11.5	7.75	7.8
196	4	14.25	4	7.75	6.5	8.3	264	6	7	6	1.5	5.5	5.4
197	5	2.75	4	14	4.75	5.7	265	5	6.25	5	1.5	4.75	5.5
198	4	10.5	4	5.75	4.75	6.4	266	5	2.5	4	13	5.5	6.6
199	5	11	5	8	3	3.3	267	5	3.5	4	13.75	5.75	6.8
200	5	1.5	4	12	5.5	6.7	268	5	9.5	5	3.5	6	6.7
201	5	0.5	4	12	4.5	5.6	269	5	1.5	4	12.5	5	6.1
202	6	11.5	6	4.25	7.25	6.7	270	4	10.75	4	6.75	4	5.3
203	5	13.25	5	5.75	7.5	8							

Mr. McGUIRE. Were you through with your narration with respect to the weighing of these skins?

Mr. LEMBKEY. Not quite.

Mr. McGUIRE. Proceed.

Mr. LEMBKEY. This list which I have submitted shows that of the 200 odd skins under examination, each one of which was weighed green and again weighed after being in salt some days, not one of them increased in weight as a result of salting, but on the contrary all lost weight from having been in salt. This can be taken as conclusive evidence of the fact that these skins do not gain weight in salt, and that the agents could not have killed seals having less weight than the regulations permitted and then, by salting, so increased the weights as to bring the skins within the regulations which prescribe a minimum weight of five pounds.

Mr. McGUIRE. What was Mr. Elliott's statement with respect to the weight of the skins before and after salting that occasioned these remarks which you have just made regarding the weighing and salting of skins?

Mr. LEMBKEY. His statements were to the effect that skins gained weight as a result of having been salted, and the statement was made in an effort to prove or substantiate another statement made by him to the effect that skins much smaller than the regulations permitted had been taken on the islands by the Government agents.

Mr. McGUIRE. Have you his statement before you?

Mr. LEMBKEY. I am not able at this moment to turn to it. It is in the previous hearings of the committee, however, and I shall be glad to furnish a memorandum of where it may be found.

Mr. McGUIRE. All right; you may proceed.

Mr. LEMBKEY. In this connection I wish to furnish the committee also with the record of an interesting experiment performed to determine the difference between the weights of green skins and of the same skins salted, performed not by myself, but by Mr. M. C. Marsh, a naturalist in the employ of the Fish Commission detailed to act as naturalist on the islands. In connection with this question I understand the instructions of Mr. Marsh to have been that he was to make experiments for the purpose of determining this question of gain or loss in weight of skins through salting, and in pursuance of those instructions he performed this experiment on 60 skins. Each of those skins was provided with a copper tag bearing serial numbers from 1 to 60. These skins appear to have been taken on October 19, 1911, and at that time were weighed in their green state. They were allowed to remain in salt until the 23d of May, 1912, a matter of seven months or thereabouts, when they were again weighed, as I understand by Mr. Marsh.

According to Mr. Marsh's instructions, as I understand it, the question to be determined was the abstract one as to whether skins gain or lose weight in salt, and in order to determine that question it was necessary for him, after these skins came out of salt, to divest them, as much as he could, of such salt as might still adhere to the skins as a result of their having been in contact with it for many months. So Mr. March, as I understand, brushed as much of the salt off of those skins as he could before weighing them in their salted state.

He finds, as a result of that experiment, that the average loss in weight from salting of those 60 skins was 0.45 of 1 pound each, or 6.8

per cent. After Mr. Marsh had finished this experiment on the 23d day of May, the skins were again placed in salt and kept there until the 17th of October, 1912, when they were taken out of salt at the time when all the skins on the island were taken out of salt for the purpose of bundling and shipping them to London. At the time they were taken out for the purpose of bundling they were again weighed, as were all skins shipped that year. When they were weighed out of salt the second time, no attention whatever was paid to cleansing them from the salt which adhered to the skins, and they were weighed with such salt as might adhere to them, just as were all skins. The result of this second weighing in salt shows that the skins increased slightly in weight over the weight found at the first salt weighing, because of the salt which adhered to them on the second weighing, which was brushed off of them on the first weighing. However, the weights of these skins, as shown by their second salt weighing, still were in each case considerably under the green weight of the same skin.

Mr. MCGUIRE. Even after they had been salted the second time?

Mr. LEMBKEY. Even after they had been salted the second time, yes; and taken out of the salt and weighed with such salt as might adhere to them.

I desire to have inserted in the record this list of the individual weights of those skins and made a part of my statement at this point.

The CHAIRMAN. Whose list is that, Mr. Lembkey?

Mr. LEMBKEY. This list was furnished to me by Mr. Marsh himself, and the title is as follows:

Weights of 50 fur seal skins tagged with copper tags bearing consecutive numbers, before and after salting. Food killing, October 19, 1911, St. Paul Island, Alaska. Skinned as usual at food killing and with a moderate or average amount of moisture. Weights include metal tag with wire, averaging 0.21 ounces each.

I might state further to identify the table, that these three sheets were given to me by Mr. Marsh on the islands.

Mr. WATKINS. That is twenty-one hundredths of 1 ounce?

Mr. LEMBKEY. Yes.

Mr. WATKINS. The result, then, of that investigation, as I understand it, is that the salting of green hides lessen the weight of the skin, and salting the dry skins increases the weight of the skins.

Mr. LEMBKEY. No, sir. No mention was made whatever of dry skins.

Mr. WATKINS. You said they were salted and the weight was less than that or decreased?

Mr. LEMBKEY. Yes.

Mr. WATKINS. And after that they were resalted, and the weight was slightly increased?

Mr. LEMBKEY. Perhaps I did not make myself plain. The skins were salted green and allowed to remain in salt for a period of about seven months. They were then taken out of the salt, and all the salt brushed off of them and the skins cleansed of salt as much as possible, and weighed. The result of that weighing showed they had decreased in weight the number of ounces stated by Mr. Marsh—0.45 of a pound, or 6.8 per cent. Then the skins were put in the salt again.

Mr. WATKINS. I infer they were dry at that stage?

Mr. LEMBKEY. Not necessarily. They are not completely dry.

Mr. WATKINS. Whether they were or not, go ahead.

Mr. LEMBKEY. They were put into salt again, and allowed to remain there for several more months, and then were taken out and weighed. But in this second weighing the salt was not brushed off of the skins as it was in the first salt weighing, and the weights taken of the second salt weighing showed that in many instances they had increased slightly in weight or that they weighed a trifle more than they did in the first salt weighing, when all the salt was brushed off. The increase in weight, however, is very slight, perhaps an ounce or 2 ounces in some instances, and perhaps only a fraction of an ounce in others. The increase in weight, in my opinion, could be taken to represent the amount of salt adhered to the skin at the time of the second salt weighing.

Mr. PATTON. They weighed less than they did when they were green?

Mr. LEMBKEY. Oh, yes; they did.

Have I identified this table sufficiently, Mr. Chairman?

The CHAIRMAN. Yes. What is the pleasure of the committee? Shall it be printed in the hearing?

Mr. PATTON. I move that it be printed, Mr. Chairman.

Mr. STEPHENS. Was this taken by some Government officer authorized to use these skins, or was it done by the lessees?

Mr. LEMBKEY. Oh, no; there were no lessees at that time. I stated it was done by Mr. Marsh.

Mr. STEPHENS. Who is Mr. Marsh?

Mr. LEMBKEY. Mr. Marsh was the naturalist on the islands in the employ of the United States Bureau of Fisheries.

Mr. STEPHENS. Drawing a salary from the Government at that time?

Mr. LEMBKEY. Yes; as I understand.

Mr. STEPHENS. Go ahead; I have no objection.

The CHAIRMAN. Let it be printed.

Mr. STEPHENS. Wait. Has this ever been printed before?

Mr. LEMBKEY. I do not know whether Mr. Marsh's report was printed during that year. I was on the islands that year, and I do not know, as a matter of fact. For that reason I have not referred to the publication in which this might appear, if it has been printed. Mr. Marsh gave me this statement on the islands when I was there, and so far as I know it is an independent and only record of the experiment made.

The CHAIRMAN. Was it printed in the former hearing?

Mr. LEMBKEY. Not to my knowledge.

The CHAIRMAN (after examination). It seems to have been printed in last year's hearings.

Mr. LEMBKEY. The weight of those skins subsequently were taken by me, and that is additional to the report which you have there.

Mr. McGUIRE. This is additional testimony, and he put it all in a concise form.

Mr. LEMBKEY. The new matter represents, so far as I know, the weight of the salt which adheres on the skin itself.

Mr. STEPHENS. How long is the additional statement in addition to the one we have already printed?

Mr. LEMBKEY. It amounts to a statement of the weight for each skin. I am certain this statement contains matter that is not printed there, because I have inserted opposite each skin the weight of that skin as taken on the second salt weighing. I should say that it is the same as the one you have heretofore printed, with the exception that the table already printed does not contain this additional column of weights taken at the second salt weighing.

Mr. STEPHENS. I suggest we just have printed what has been added to the table. We will be stultifying ourselves by reproducing so many of the same things.

Mr. WATKINS. It seems to me for the sake of this witness's testimony, it should go in in its entirety.

Mr. PATTON. This is a comparison of two different weighings that he wants to put in the record.

Mr. LEMBKEY. The comparison is the more valuable part of the matter.

The CHAIRMAN. And this is the only thing you ask to have printed about that report, is it?

Mr. LEMBKEY. That is all.

The CHAIRMAN. I think we ought to let it go in. It will be printed in the hearings at this point.

(The table referred to is as follows:)

*Weights of 50 fur-seal skins tagged with copper tags bearing consecutive numbers, before and after salting.*

[Food killing October 19, 1911, St. Paul Island, Alaska. Skinned as usual at food killings and with a moderate or average amount of moisture. Weights include metal tag with wire, averaging 0.21 ounces each.]

Copper tag No.	Official serial No.	Weight green, Oct. 19, 1911.	Weight salt, May 23, 1912.	Loss.	Weight salt, Aug. 17, 1912.	Copper tag No.	Official serial No.	Weight green, Oct. 19, 1911.	Weight salt, May 23, 1912.	Loss.	Weight salt, Aug. 17, 1912.
		<i>Lbs. ozs.</i>	<i>Lbs. ozs.</i>	<i>Ozs.</i>	<i>Lbs. ozs.</i>			<i>Lbs. ozs.</i>	<i>Lbs. ozs.</i>	<i>Ozs.</i>	<i>Lbs. ozs.</i>
1.....	2806	6 1	5 8½	8½	5 6.25	26.....	2831	5 9	4 13½	11½	4 15.25
2.....	2807	6 0	5 7½	8½	5 7.5	27.....	2832	7 3	6 8	11	6 10.5
3.....	2808	6 4½	5 12½	8	5 12.75	28.....	2833	5 5½	4 11	10½	4 11.5
4.....	2809	5 12	5 0½	11½	5 3.25	29.....	2834	5 13½	5 4½	9	5 6.25
5.....	2810	4 11½	4 6½	5	4 8.5	30.....	2835	4 14½	4 9½	5	4 11.75
6.....	2811	6 5	6 1	4	5 12.75	31.....	2836	6 15	6 4½	10½	6 5.5
7.....	2812	6 15	6 5	10	6 5.5	32.....	2837	6 9	5 13½	11½	5 14.75
8.....	2813	5 1½	4 15	2½	4 15.25	33.....	2838	9 4½	8 1½	19	8 4.75
9.....	2814	8 10½	7 11	15½	7 13.5	34.....	2839	6 8	5 11	13	5 11.5
10.....	2815	5 14½	5 5½	9	5 6.5	35.....	2840	6 9½	5 11½	14	5 14.75
11.....	2816	7 5	6 7½	13½	6 9	36.....	2841	8 8	7 5½	18½	7 6.25
12.....	2817	6 8½	5 12	12½	5 11.75	37.....	2842	7 13	7 1	12	7 3.25
13.....	2818	7 10	6 11½	14½	6 14	38.....	2843	6 7½	6 0½	7	6 1.75
14.....	2819	6 9½	6 0	9½	6 1.75	39.....	2844	8 0	7 2	14	7 4
15.....	2820	6 3	5 5	14	5 3.5	40.....	2845	7 4	6 11	9	6 9.75
16.....	2821	6 12	6 5	7	6 5	41.....	2846	4 13½	4 7	6½	4 8.5
17.....	2822	6 8½	5 14	10½	5 13.75	42.....	2847	7 3½	6 8	11½	6 4.5
18.....	2823	5 10	5 0½	9½	5 2	43.....	2848	7 8	6 8	16	6 8.75
19.....	2824	6 0	5 7	9	5 9.5	44.....	2849	7 0½	6 3½	13	6 5.5
20.....	2825	5 14½	5 4	10½	5 5.75	45.....	2850	5 5½	4 11½	10	4 12
21.....	2826	7 7	7 0½	6½	6 15.25	46.....	2851	6 6½	5 10	12½	5 10.75
22.....	2827	6 5	5 9½	11½	5 10.25	47.....	2852	6 11	5 15	12	5 15 ½
23.....	2828	6 1½	5 6½	11	5 8.25	48.....	2853	6 12½	6 4	8½	6 1.5
24.....	2829	7 7	6 2½	20½	6 4.5	49.....	2854	6 1½	5 8½	9	5 7.75
25.....	2830	6 3½	5 12	7½	5 12.25	50.....	2855	6 5½	5 11	10½	5 12.25

Pounds.

Average weight Oct. 19, 1911..... 6.54  
Average weight May 23, 1912..... 5.87

Average loss, 10.2 per cent..... 0.67

*Weights of 10 fur-seal skins tagged with copper tags bearing consecutive numbers, before and after salting.*

[Food killing November 4, 1911, St. Paul Island, Alaska. Skinned as usual at food killings, and entirely without other than natural moisture. Weights include copper tag with wire, averaging 0.21 ounces.]

Copper tag No.	Official serial No.	Weight green, Nov. 4, 1911.	Weight salt, May 23, 1912.	Loss.	Weight salt, Aug. 17, 1912.	Copper tag No.	Official serial No.	Weight green, Nov. 4, 1911.	Weight salt, May 23, 1912.	Loss.	Weight salt, Aug. 17, 1912.
		Lbs. ozs.	Lbs. ozs.	Ozs.	Lbs. ozs.			Lbs. ozs.	Lbs. ozs.	Ozs.	Lbs. ozs.
51.....	2856	4 14	4 6½	7½	4 7.75	56.....	2861	9 0	8 4	12	8 5
52.....	2857	6 4	5 12½	7½	5 13.25	57.....	2862	6 14½	6 9	5½	6 8.75
53.....	2858	5 15	5 7½	7½	5 11.25	58.....	2863	7 8½	6 10½	14	6 13.5
54.....	2859	5 13	5 9	4	5 10.25	59.....	2864	7 1	6 6½	10½	6 6
55.....	2860	4 14	4 10½	3½	4 11.5	60.....	2865	7 3	6 5½	13½	6 8

	Pounds.
Average weight Nov. 4, 1911.....	6.54
Average weight May 23, 1912.....	6.09
Total, 6.8 per cent.....	0.45

Mr. LEMBKEY. When Mr. Elliott was on the island last summer, repeated requests were made to him to verify these tests made as already stated. To ascertain the action of salt on the weight of skins, it was proposed to him that certain seals be killed and skinned in his presence, the skins weighed by him and the weight recorded. Those skins, it was proposed, should be salted in his presence, and after remaining in salt for at least five days should be taken out of salt and weighed again, the green and the salt weights of the same skins then to be recorded, and the difference noted, whatever that difference might be. Although this proposition was repeated several times, Mr. Elliott refused to engage in it, claiming that he had no interest whatever in the green and salt weights of skins. Although it was specially desired to have Mr. Elliott make these tests, and notwithstanding repeated offers to do so, it was impossible to have him take any part in them, Mr. Elliott declaring that he was interested only in the weight of the skins after they had been bundled for shipment because, as he stated, that was the way in which they were weighed in London.

Mr. STEPHENS. To whom did Mr. Elliott make these statements?

Mr. LEMBKEY. To myself. It was pointed out to him that this could not in any sense be considered a fair test of loss of weight in salting, because these bundles, consisting of two skins each, the flesh sides touching, were rolled together with a lot of loose salt deliberately thrown on to the flesh side to preserve the skins during transit to London. By weighing the bundles not only the weight of the skin, but of this loose salt as well, and of the heavy twine with which the bundle is tied, would also figure in the weights, and necessarily make such a test useless in determining whether a skin does gain or loose weight through salting.

Notwithstanding this explanation, Mr. Elliott stated he would weigh some skins after they had been bundled, and would make no other test on this question. Subsequently he did have 400 skins made into bundles of two each, each bundle containing some handfuls of salt thrown upon them by the native workmen, and tied with



heavy twine, and he then, with others, weighed the bundles and recorded their weights.

In his report, Mr. Elliott contrasts the green weights of the two skins of each bundle, before being touched by salt, with the weight of the bundle itself containing, in addition to the skins themselves, all this loose salt and the heavy twine wrapped around it. He has had this comparison printed at length in his report at pages 122 to 125 of this new hearing, No. 1, to contradict the fact demonstrated by the most careful test of weights of the individual skins only, that sealskins in the salting lose a certain proportion of their weight. I have cited these tests, and they will appear in the record.

As a fact, when these skins are weighed in London, they are not weighed in the bundles, but are weighed after the bundles are opened, and the weights as taken there are the weights of individual skins. When the bundles are opened, the loose salt which each bundle contains falls out and is not weighed. The London weights of the individual skins, therefore, will not include the weight of the loose salt and the twine which figured in the Elliott weights of the bundles made on the islands, and consequently will be less than the weights taken and announced by Mr. Elliott.

I should like, if the committee will allow me, to introduce, for insertion in the record at this point, a letter written by me, dated January 28, 1914, to Mr. Alfred Fraser, the representative in this country of Lampson & Co., and of his reply to that letter, dated January 29, 1914, as to the manner in which sealskins are weighed in London.

The CHAIRMAN. It is as you have described it just a moment ago?

Mr. LEMBKEY. It is, and my statement was based upon this letter.

Mr. McGUIRE. I would like to hear the witness read the letter before it goes into the record.

The CHAIRMAN. I wondered why he wanted to put it in at all after stating the substance of it.

Mr. McGUIRE. It is corroborative of his testimony.

Mr. LEMBKEY. I thought perhaps the authority on which I made that statement would be of interest to you.

Mr. STEPHENS. It is unusual for a witness to corroborate himself.

Mr. McGUIRE. He is not corroborating himself. This is the Lampson authority, in the form of a letter written to him corroborating what he says, and is the basis of his statement.

Mr. STEPHENS. Who is Lampson? You have taken him as an authority here.

The CHAIRMAN. Lampson & Co. are the furriers in London to whom we sell the skins.

Mr. LEMBKEY. Auctioneers of these skins in London for many years.

Mr. STEPHENS. Have we their statement anywhere else in the record?

Mr. LEMBKEY. Not that I am aware of.

Mr. STEPHENS. Then I have no objection to that going in the record.

The CHAIRMAN. The witness may read the letters, and they will be printed in the hearings at this point.

Mr. LEMBKEY (reading):

JANUARY 28, 1914.

Mr. ALFRED FRASER,  
*No. 20 Exchange Place, New York, N. Y.*

DEAR SIR: I will be grateful if you will inform me whether, when bundled sealskins arrive in London, they are weighed in the bundle or whether the bundle is broken and the skins weighed separately.

Very truly, yours,

W. I. LEMBKEY.

OFFICE OF ALFRED FRASER, NO. 20 EXCHANGE PLACE,  
*New York, January 29, 1914.*

WALTER I. LEMBKEY, Esq.,  
*Washington, D. C.*

DEAR SIR: Replying to your favor of the 28th instant, I beg to state that Messrs. C. M. Lampson & Co., do not weigh the sealskins until after same have been sorted, consequently, the bundles are opened without any record being kept as to their weight.

You will, of course, understand that during the process of sorting, sizing, etc., almost all of the salt is shaken from the skins, so that very little of same adheres to the skins when they are weighed.

The weight of each skin is not taken separately, but the different sizes are weighed in lots of 50 and averaged.

Yours, truly,

ALFRED FRASER.

Mr. MCGUIRE. Are you through with the salting?

Mr. LEMBKEY. With that branch of it; yes.

Mr. MCGUIRE. I want to ask whether there is any contention between yourself and other Government representatives, and Mr. Elliott, as to how these skins were weighed in London? Did Mr. Elliott make any statement as to how they were weighed in London?

Mr. LEMBKEY. Mr. Elliott made a statement to me on the islands that the skins were weighed in London in bundles, and that was the reason he was weighing these bundles on the islands.

Mr. MCGUIRE. By twos?

Mr. LEMBKEY. By twos; yes.

Mr. MCGUIRE. You say that Mr. Elliott was requested to experiment by salting and then removing the salt and weighing them? Who made that request?

Mr. LEMBKEY. I did.

Mr. MCGUIRE. Any one else that you know of?

Mr. LEMBKEY. Mr. Clark was present, and perhaps Mr. Clark made the same offer or request.

Mr. MCGUIRE. Was anyone else present that you know of?

Mr. LEMBKEY. Not to my knowledge. Mr. Clark and I were there.

The CHAIRMAN. Just in that connection, I want to ask the witness whether my memory serves me right. Did I understand you to say a while ago that you were there when these skins were weighed?

Mr. LEMBKEY. I was on the island, yes, sir, when these 400 skins of Mr. Elliott's were weighed.

The CHAIRMAN. Were you present at the weighing?

Mr. LEMBKEY. I was not present in the sense of assisting at the weighing. While the skins were being weighed, in the salt house, I went into the salt house for a minute or two, but did not assist in the weighing.

The CHAIRMAN. I simply wanted to ask you, because I was not certain whether you made that statement. I will ask you more about the skins later on.

Mr. McGUIRE. You may proceed with your narration.

Mr. LEMBKEY. In my report for the year 1904, as agent seal fisheries, to the Department of Commerce and Labor, which will be found on page 79 of Appendix A to these hearings, I stated the following, under the subcaption "Experiments in weights of salted skins:"

In connection with the weighing of individual skins on the killing field, it was thought wise to determine whether or not skins gained or lost weight after being salted. Should any discrepancy of this kind occur, the weights of these skins in London would not coincide with those taken on the islands.

On July 17, 107 skins taken at Tolstoi were weighed individually, and, after being immersed in salt water to keep them moist during the journey from the field to the salt house, were salted. Their aggregate weight on the field before wetting was 705 pounds. On July 23 they were taken out of salt and reweighed, when their aggregate weight was 759½ pounds, a gain of 54½ pounds in 107 skins, or one-half pound a skin. As the salt was thoroughly shaken off these skins, the accretion of water from dripping them in the lagoon may be represented by the gain in weight.

Mr. Elliott, in hearing No. 1, dated October 13, 1913, and January 7, 1914, at page 134, rests upon this experiment, made as stated July 17, 1904, to prove his contention that sealskins gain weight in salt, in addition also to his test of weighing skins in bundles in which there was wrapped up a lot of loose salt to preserve the skin while in transit.

It is easy to see, however, that the test made on July 17, 1904, is not a proper test of loss in weight of skins in salting, as a general proposition, any more than the one performed by Mr. Elliott of weighing the skins in bundles. In the experiment of July 17, 1904, as detailed in the extract which I have just read, the skins were removed from the animals in a practically dry state. They were then weighed on the field while still in this dry condition. Then they were carried down to Salt Lagoon, only a few steps from the killing field, and thrown into the shallow water until they became thoroughly soaked. This was done, of course, to prevent their putrefaction during the transportation in small boats from the killing field to the salt house. They were then, in this supersaturated condition, loaded into row boats and taken to the salt house where, soaking wet, they were salted. In six days thereafter they were taken out of the salt, still wet, and found to weigh on an average of one-half a pound more than they did before they were so saturated with water. It is nothing more than reasonable to suppose that skins, after being wet to the point of saturation, would weigh more than the same skins when weighed dry, and that is all this experiment shows, and all it could show. Mr. Elliott calls this experiment a trick, but I do not believe the committee will conclude it was anything of that character.

I wish now to make a brief statement on the topic of the measurement of sealskins.

There has also been a great deal of discussion before the committee on the question of the measurements of salted sealskins, an effort having been made in these hearings by means of such measurements to determine the ages of seals from which the catches of the last few years were obtained, in an attempt to question the reliability of the evidence of the agents as to the age of seals as based upon the weights

of the skins, and to prove that the agents of the Government had taken seals of different ages than those which they actually certified to the department, and to show that they had, knowingly or otherwise, killed seals different from those allowed by the regulations to be killed. In other words, it was contended as a general proposition that tests by weight were not reliable, because as claimed, the weights could be manipulated at will; that the only correct test of the age was by means of measuring the salted skin, because, as claimed, those measurements could not be manipulated.

Mr. STEPHENS. That is your statement?

Mr. LEMBKEY. I am now making my own statement; yes.

In using a salted sealskin as a means of determining the age of the animal from which it was taken, the important point upon which the whole question would hinge is whether or not the sealskin, after being salted, would retain the same size as when on the animal; in other words, does or does not a sealskin change shape as the result of being removed from the carcass, and being salted; and if it shrinks, does it do so evenly or unevenly? To determine this question, the following data must be obtained, namely: First, the entire length of the animal before skinning. Second, the length of the amount of fur left upon the carcass after the pelt has been removed from the animal in the ordinary manner.

Mr. McGUIRE. That would be on the head?

Mr. LEMBKEY. As stated in the previous hearings, a small portion of the fur of the animal, in the process of skinning, was allowed to adhere to the head of the animal around the jaws and to a point immediately back of the eyes. All the remainder of the fur, however, was removed.

Only by obtaining all these data and by their correlation can the question at issue be decided definitely.

No actual experiments in measuring the same sealskins before and after salting had been made at the time of the previous hearings, either by the department or by Mr. Elliott. Mr. Elliott, however, years ago had taken measurements of the carcasses of the seals of various ages, consisting of the length and girth of the animal. In addition, a list of measurements of salted sealskins had been made some years ago by Lampson & Co., the auctioneers in London, and an estimate made by Lampsons of the ages of animals producing skins which, when salted, were of a certain size. By endeavoring to correlate these measurements of seals' bodies made by himself and those of salted skins made by Lampson, Mr. Elliott attempted to classify the skins which had come from the islands recently, and to prove by this correlation that many, if not all of such skins were not the skins of animals at least 2 years old, but were in fact animals only 1 year old or less, the killing of which was prohibited by the department. For example, Mr. Elliott claims that the total length of a yearling seal body from tip of nose to root of tail was 38 inches, and its girth 25 inches; of a 2-year-old, length 45 inches, and girth 30 inches. He assumed that in skinning, about  $3\frac{1}{2}$  inches of skin was left on the carcass at the jaws. From this he reached the conclusion that the salted skin should equal in length the total length of the body of the animal less the amount of skin which was allowed to remain on the carcass after skinning. If, then, a salted skin was found with a length of 35 inches, for example, it must, so he claims, have

come from an animal about 39 inches long, which was a yearling; if the salted skin was 40 or 41 inches long, it must have come from an animal about 45 inches long, which was a 2-year-old, and so on.

In order to arrive at this conclusion, Mr. Elliott had to assume, and ask the committee to accept the assumption as a fact, that the skin, when taken off the animal, was exactly the same size as it was when on the animal, and that no change in the dimensions of the skin had occurred through the operations of skinning and of salting. As stated before, no actual experiments previously have ever been made by Mr. Elliott or by the department or any one, so far as I know, to determine whether a sealskin after being taken off the animal preserved the same dimensions as when on the animal, or whether the operation of removing or of salting the skin created any change in its dimensions when it was still on the animal.

In the previous hearings, therefore, because of this lack of evidence, this question, which is one of fact solely, was treated only by means of argument and hypothetical deductions, which necessarily left the matter unsettled.

To make accurate and definite experiments in this matter, as a means of determining whether the dimensions of a sealskin before and after its removal from the body were or were not the same, was one of the objects of the Bureau of Fisheries during the summer of 1912, after this question had been discussed considerably before this committee.

In those experiments Messrs. Marsh and Clark and myself, with the whole native and white population of St. Paul, participated, and each step in the experiments was slowly and carefully made, so there would be no error and no question as to the accuracy of the result. In making them, over 200 animals were clubbed, then carefully weighed and measured and numbered. Afterwards the animals were skinned, and the green skin given the same number as the body. The green skin was then measured as carefully as it was possible to measure a green skin. The amount of fur remaining on the carcass was then measured. The skin was then salted, and after it had been in salt for some days, was taken out of salt and measured again.

The result of these experiments was to show that the size of the skin changed greatly after it had been taken off the carcass and changed again after it had been in salt for sometime. The whole experiment demonstrated that it would be impracticable, so far as my judgment would go, to make any accurate test of the age of a seal by a measurement of the salted skin of that seal, because this experiment showed that the size of the salted skin depended entirely on how much it was stretched, or whether it was stretched at all at the time of salting.

It was found by these experiments that the skin on the body is in a state of tension, varying with the condition whether the animal is fat or lean. If the animal is fat, the tension is greater; if lean, the tension is less; at least, that would be my judgment. When the skin is removed from the body, the tension persists for a time and acts upon the skin, which immediately retracts or curls up as a result. The skin is so elastic and pliable that with scarcely any pressure it can be stretched to much more than its normal size. If not stretched at all when salted, the skin is much less than its normal size. It can not be measured in its green state, because in its green state it can

not be ascertained how far the skin should be stretched out to measure it. After being salted, however, it assumes a stable size, but the size of the salted skin depends entirely upon how much or how far it was stretched out by the native who laid it in the kench and salted it.

In putting all skins in salt, it is endeavored to stretch each one of them in order that it may be as long as possible when sold; but there is and can be no uniform method used of stretching them, unless the present practice of skinning and salting a seal skin should be entirely changed. The native handling the skin to be salted spreads it out in the kench and holds it in that position until several shovelfull of salt are thrown upon it, when he catches hold of the head and tail ends, and gives them a smart pull and stretches the skin, depending upon the weight of the salt already on it to hold it in this stretched condition. As he has to release this hold in order to spread the salt with his hands, and as the operation is done hurriedly and by many men, it follows that some skins would be stretched more than others, and some not stretched at all. So that when the salted skins are taken out of the kench, the result is that nearly all show a shrinkage from the size which they had upon the animal, but this shrinkage, as determined by these experiments, is so irregular and depends upon so many contingencies as to make any test of age by means of measurements of salted skins wholly unreliable.

I shall ask permission to put in the record here—but shall not read it, unless the committee desires me to do so—a statement of the various measurements of these skins made at the time stated, so that the committee may examine the same if it wishes.

Mr. STEPHENS. You desire to make that a part of your evidence?

Mr. LEMBKEY. I desire to make it a part of my statement; yes.

The CHAIRMAN. It may be printed in the hearing at this point.  
(The measurement table referred to is as follows:)

Measurements of seals and of green and salt sealskins taken on St. Paul Island in July, 1912.

Serial No.	Animal.			Green skin.		Salt skin.		Serial No.	Animal.			Green skin.		Salt skin.	
	Length.	Width.	Mask.	Length.	Width.	Length.	Width.		Length.	Width.	Mask.	Length.	Width.	Length.	Width.
	In.	In.	In.	In.	In.	In.	In.		In.	In.	In.	In.	In.	In.	In.
26	41	33	4	29½	20¾	33½	22	49	45½	29	6½	32½	22½	37½	22½
27	37	29	4½	27½	20½	34½	22½	50	45	28	6½	34½	21½	40½	25
28	45	28	3½	32½	24½	38½	23¾	51	45½	27½	5	34½	21½	36	23½
29	40	31½	4	33	22½	39	22½	52	47	28	4½	31½	24½	38½	24½
30	45½	26	4½	28	23½	35	23½	53	42	28½	4	31½	23½	35½	23½
31	43½	29½	4½	34	24	38½	26½	54	45	31	4¾	32½	20¾	37½	22½
32	42½	28	4½	31½	22½	36	23	55	45	26½	3½	34½	20	35½	23½
33	46	29	5	32	22½	35½	25	56	42½	26½	4½	28½	23½	36½	25½
34	41½	28	4½	29½	23	34	24	57	46½	30	5½	31½	23	35½	26½
35	41½	28	5	32	22½	35½	21½	58	41	28½	3½	31½	22	41½	21½
36	38½	27	4½	29½	19½	31½	22½	59	46½	29	4	35	23½	38	26½
37	42½	27	3½	33½	22½	36½	23½	60	41½	27½	3½	32½	23½	38½	22½
38	42½	28½	4½	34½	22½	40	24½	61	43	30	3½	32	19	37½	22½
39	41½	29	5	28	21½	34	23	62	46	30	3½	30½	23½	37	24½
40	50	28	5½	32½	21½	37	22½	63	47	30½	4½	29	23½	35½	22½
41	44½	30	4½	35½	22½	43	23	64	49	30	3½	28	23	43	27
42	45	29½	5½	32	22	35½	24½	65	44	30	4½	33½	24½	39	24½
43	43	30½	5½	29½	23½	34½	27½	66	48	28½	5½	34	23	34½	24
44	43	24½	4	32½	21½	36½	22	67	45	31	3½	31½	23½	38½	24½
45	47	27	4	35	22½	39	26	68	44½	28	3½	29½	23½	34½	23½
46	43	23½	4½	34	21½	41	23½	69	45½	28½	5½	29½	21½	36½	21½
47	39½	26½	3½	28½	19½	34½	22	70	43	28½	3½	31½	22	35½	23½
48	40½	29½	3½	33½	20½	39½	23½	71	45½	28½	4½	35½	24	36	25½







Measurements of seals and of green and salt sealskins taken on St. Paul Island in July, 1912—Continued.

Serial No.	Animal.			Green skin.		Salt skin.		Serial No.	Animal.			Green skin.		Salt skin.	
	Length.	Width.	Mask.	Length.	Width.	Length.	Width.		Length.	Width.	Mask.	Length.	Width.	Length.	Width.
	In.	In.	In.	In.	In.	In.	In.		In.	In.	In.	In.	In.	In.	In.
220	43½	30½	4½	29	21½	37	25	230	46½	29	3¾	32½	25¼	33	26¾
221	48	32½	4½	31	25	35¾	23½	231	46	29½	3¾	35½	22¾	39½	24½
222	46½	27½	3½	32	20½	27½	22½	232	47	30	3¾	33½	23½	38	25
223	42½	28½	3¾	29½	22	38	22¼	233	43½	30	4	30½	22	36¾	22¾
224	44½	30½	4	32½	22½	34	22½	234	42½	27	4	33	20½	32¼	23
225	39½	27½	3¾	29	21	38½	23	235	45½	27	3½	34	23	38½	26
226	46	31	4	33	24	36	22¾	236	45	28	3¾	31½	25	38	26
227	43½	30	4	33	21¼	38	23	237	43	29½	4	29¼	22¼	34½	26
228	43	27½	3¾	30	21¾	32½	23	238	38½	30½	3¼	31½	21	37¼	23¼
229	43	26	3¾	31½	21	36	22¾	239	46½	28½	4	32	24	33	25

(Bureau of Fisheries Doc. No. 780, pp. 93-95, both inclusive.)

Mr. LEMBKEY. When Mr. Elliott was on the islands last summer he did not verify any of these experiments, or in fact, make any independent experiments of his own to determine just what would happen to the size of a seal skin after it had been removed from the body and salted. He therefore has no evidence to rely upon to show whether a skin does or does not shrink after removal from the body. The only effort he made in this direction while on the islands last summer was to measure the length only of about 400 salted skins which were in the salt house at the time of his arrival on the islands. The animals from which these skins were taken were not measured by him, nor by anyone, as it was not known at the time they were killed that any tests based on those skins were to be made. As the animals from which these skins were taken were not measured, it was impossible to tell, from the measurements of the salted skins, what the ages of the animals from which these skins came really were, because the length of the animals then could not be ascertained. Mr. Elliott, therefore, would be forced to resort to assumption to determine what the ages of the animals were.

After he had measured the length of these 400 skins, he selected such of them as had heavy green weights and small salt dimensions. He seems to have found nine of these, according to his report, dated December 15, 1913, in hearing No. 1, page 279, with weights over 5 pounds, and lengths varying from 31 to 36 inches. Then, assuming that 36 inches is the maximum limit of length of a salted yearling skin, and that a yearling skin should weigh green only about 4¾ pounds, he argues from this that whenever a skin is found 36 inches or less in length weighing more than 5 pounds, it is a yearling skin and has been loaded with blubber by the skimmers for the purpose of delusion and fraud.

The CHAIRMAN. You are discussing page 279 of hearing No. 1, are you?

Mr. LEMBKEY. Yes. In this, as in other charges before the committee, Mr. Elliott had no substantiating data. He did not measure the animals from which these 400 skins were taken, nor did anyone;

and he therefore has no means of determining from his own experiments whether these 400 skins had shrunk since their removal from the body, or whether any other change in their size had occurred.

The CHAIRMAN. It is now 12 o'clock. The committee will take a recess until 2 o'clock this afternoon.

(Thereupon, at 12 o'clock noon, the committee took a recess until 2 o'clock p. m.)

#### AFTER RECESS.

The committee at the expiration of the recess, Hon. John H. Rothermel, chairman, presiding.

Mr. McGUIRE. You may proceed, Mr. Lembkey, with your narration.

Mr. LEMBKEY. I had stated that Mr. Elliott was not in a position to claim that any of these salted skins of a certain size came from an animal which must be of a certain size, because he does not know and could not ascertain, with regard to these skins, the size of the animals from which the skins were taken. He can not claim that any 35-inch skin among them must have come from an animal 39 inches long, because he does not know and never made an effort to ascertain what the length of the animal was as a matter of fact. He did not and could not gather any evidence of the length of the animals from which these 400 skins were taken, because the animals had been killed and the skins salted before his arrival on the island, and the carcasses had been consumed by the natives for food. For this reason he could not measure the animals which produced these skins; and since he did not and could not measure the animals, he had no means of arriving at their actual size. He therefore had to assume and did assume what the length of the animals should be and upon that assumption he bases his charge and his argument that these seals were of a size demonstrating them to be yearlings. If he had cared to, he could have measured other animals and afterwards measured the skins that would have been taken from those animals and then he would have found, I will assert, that in many instances skins from seals 45 inches long or over, when salted in the ordinary manner, do not measure more than 35 inches, and sometimes less. As a matter of fact there were no yearling skins among those measured by Mr. Elliott, because there are no yearling skins in the drives made at the time when these 400 skins were taken, unless, perhaps, a solitary instance or two. The yearlings do not appear in the drives until about two weeks later than when these 400 skins were taken. Evidence to support this statement has been repeatedly furnished the committee.

Mr. McGUIRE. Have you produced evidence yourself to support that statement? That is, have you in mind the production of testimony or the idea of making this statement whereby to show the branding that was done on the islands of seals for the purpose of determining when they returned?

Mr. LEMBKEY. I was just about to make a statement of that experiment which was mentioned in the testimony of Mr. Clark.

Mr. McGUIRE. You may proceed.

Mr. LEMBKEY. In the drives from which these 400 skins were taken the clubbers had instructions to kill nothing but 2-year-olds, as it was desired at the time that those seals were killed to preserve all of the 3-year-olds and allow them to mature as breeders. The killing of yearlings is never permitted, as the committee has been informed.

In 1912, in order to ascertain exactly just when yearling seals did arrive on the islands, over 5,000 of the pups of that year were branded on the head with hot irons, making a permanent mark. When these seals so branded would return to the islands the following year, 1913, they would be yearlings, and the presence of the mark on the head made the year previous would prove the fact that they were yearlings beyond all doubt. In 1913, when those branded seals were to arrive as yearlings, a careful watch was kept for their presence to fix the first date on which they would be observed. By the most careful search, by myself and others, the presence of none of those yearling seals was discovered in the drives previous to Mr. Elliott's arrival and none in the drive from which these 400 skins were taken which were measured by Mr. Elliott, and none until some time after Mr. Elliott had arrived there. While there he was requested by Mr. Clark and myself to visit the hauling grounds, in company with ourselves and the natives, where the seals could be carefully examined for the presence of these little marked seals, but he declined to make such a search or to visit the hauling grounds of the seals to ascertain whether any of those unmistakably marked yearling seals were present.

Mr. Elliott asks the committee to believe that any salted skins measuring from 30 to 35 inches in length, of which he alleges in his report (Hearing No. 1, p. 132) 139 were found and falsely certified in the 400 skins measured by him, were yearling skins. To do this he asks you to assume that any salted skin 35 inches in length or less must have been taken from a seal 40 inches in length or less and that no shrinkage in the skin occurred after it was taken from the body. Such a claim can not be supported, because the experiments I have mentioned to-day in the measurements of the skins before and after salting show that a decided shrinkage occurs in the skin in salting, depending upon how much the skin was stretched when salted although the shrinkage is uneven. In the list of measurements of skins which I have submitted already many skins would be found of a length of 35 inches taken from a seal measuring approximately 45 inches in length.

I desire to refer to a list of some of these, extracted from page 93 of Bureau of Fisheries Document No. 780, an extract from which I have already furnished the committee. While I do not wish to read this list of skins which I have made, I will point out to the committee that there are many of them here which show a 35-inch salted skin, having been taken from an animal measuring 45 inches in length or over. For the purpose of brevity I will ask that this be inserted at this place as a part of my testimony and I will not read it.

(The paper referred to is as follows:)

*List of fur seals of a length of 45 inches, approximately, furnishing salted skins of a length of 35 inches, approximately.*

[Extracted from Bulletin of the Fish Commission No. 780, p. 93.]

No. of tag.	Length of animal.	Length of salt skin.	No. of tag.	Length of animal.	Length salt skin.
	<i>Inches.</i>	<i>Inches.</i>		<i>Inches.</i>	<i>Inches.</i>
30.....	45½	35	137.....	44	31½
33.....	46	35½	139.....	47½	35
40.....	50	37	140.....	47½	34½
42.....	45	35½	141.....	48	30½
43.....	43	34½	142.....	43½	34
51.....	45½	36	143.....	44	29¼
55.....	45	35½	144.....	44½	35½
57.....	46½	35½	145.....	46½	34½
66.....	48	34½	149.....	44	33½
68.....	44½	34½	150.....	44½	34½
69.....	45½	36¾	151.....	47½	32½
71.....	45½	36	152.....	50½	37
77.....	45	35	154.....	48½	33
79.....	48	35	160.....	48½	33½
101.....	43½	32½	164.....	48½	36½
115.....	46½	35½	165.....	47½	33
116.....	45½	34½	166.....	48½	34½
117.....	44½	35½	167.....	44	31½
122.....	48	36	173.....	45	35
124.....	47	36	174.....	46½	34½
136.....	43½	31½			

From this list of about 200 examples of which these tests were made many more instances can be found of a decided shrinkage of the skin after salting, but for purposes of brevity I did not extract more.

While Mr. Elliott admits that a live seal 45 inches long is a 2-year old he denies that a 35-inch salted skin is or can be the skin of a 2-year-old, but claims that it is the skin of a yearling. I have just presented the committee with a list of over 40 examples—and could have given more—of seals 45 inches in length or larger furnishing salted skins 35 inches in length or less, picked at random from a list of 200 measurements. The production of this list successfully meets Mr. Elliott's assertion that salted skins 35 inches in length or smaller necessarily are the skins of yearling seals.

Mr. McGUIRE. Were you through, now, with the measurements of skins and the effects of the saltings?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. Do you state that an animal 45 inches long may produce a skin 35 inches in length or less?

Mr. LEMBKEY. I do.

Mr. McGUIRE. Is that your experience, where a seal is skinned in the usual way and with the usual amount of skin left on the forehead and nose?

Mr. LEMBKEY. It is.

Mr. McGUIRE. The shrinkage after salting depends on what? I want to modify that question. You say a seal 45 inches in length may, after being skinned in the ordinary way, with the usual amount of skin left on the head, produce a skin only 35 inches in length or less. When in your judgment does the greatest shrinkage occur—immediately after the skin is taken from the seal, or is the size affected by the salting, do you know?

Mr. LEMBKEY. From the experiments that we made in this matter I reached the conclusion that the greatest shrinkage occurs through the removal of the skin from the body, and this shrinkage is caused by the tension which obtains on the skin while on the body, and which persists, in my opinion, for some time after the skin has been removed from the body.

Mr. McGUIRE. You spoke this morning about the practice, by the parties skinning the seal and caring for the skin, of applying salt, and at the time of the application of the salt stretching the skins. I wish you would state to the committee whether there is any definite plan by which all skins may be stretched equally—that is, under equal pressure—or whether this is done by different persons—persons of different strength and persons of different determinations as to the time of the stretching. That is, I take it, that one person may be stronger than another, and one might desire to do his full duty more than another. What is the practice with regard to those things?

Mr. LEMBKEY. There is or has been no definite plan either applied or devised——

Mr. McGUIRE (interposing). Just what do you do?

Mr. LEMBKEY (continuing). To my knowledge whereby the skin may be stretched equally and with equal pressure. The practice in salting skins is to turn from 6 to 8 natives into a kench or bin in which those skins are to be salted. Surrounding this bin on all sides are perhaps 15 or 20 more natives, some prepared to shovel salt into the kench, some prepared to throw skins into the kench to these men who are there to do the salting, and others standing around for various other purposes. A man in the kench receives a skin to be salted. He lays it down upon the floor of the kench, and the men outside of the kench, armed with shovels, throw onto the skin as a general rule three shovelfull of salt. If there is a small killing and only a few skins are to go into the kench, we will throw three shovelfull on each skin. If there is a large killing, and consequently a lack of room, we throw but two shovelfull on each skin. As soon as the man in the kench receives these shovelfull of salt onto his skin he gives the skin a stretch by grasping it at the head and tail ends and pulling. After stretching it in this manner he usually lets go one end of it and spreads salt which has been thrown onto the skin with one of his hands, or perhaps both, endeavoring, however, at the same time to keep the skin at as great a length as it is possible to keep it, depending upon the weight of the salt thrown upon it to keep it stretched. Of course, having to let go of the skin after he has given it this smart pull would, as a general rule, allow the skin to retract to a certain extent, or the skin perhaps might be so covered up with salt that is being thrown in by either the man throwing salt to him or to some of the others, that he might not apply as much tension to it as he should, or he might not stretch it at all, as it is then out of sight. Sometimes, perhaps—although we try to avoid it—a man might catch hold of the broad side of the skin instead of the length of it, and stretch it in a lateral direction instead of longitudinally.

Mr. McGUIRE. I see. In any event the stretching of the skin depends entirely upon the strength and disposition of the man who is doing the work?

Mr. LEMBKEY. Exactly. There may be long-armed men and short-armed men both working at the same time on the same-sized skins.

The CHAIRMAN. They do it as I illustrate with the two ends of this lead pencil, do they not?

Mr. LEMBKEY. Just that way. The skin is thrown down in front of the man and the salt is thrown onto the skin, and he then grasps either end in this manner [indicating], after which he spreads the salt over the skin with his hands, to be assured, more than anything else, of the fact that none of the edges of the skin have curled back on to itself. If that were to happen, the skin would putrify under the curl, notwithstanding the immense amount of salt that is thrown into the kench. That is one reason why we remove all skins from the salt five days after their first salting.

Mr. BRUCKNER. It has got to be flat.

Mr. LEMBKEY. It must be flat, otherwise there will be imperfections in the salting that I have mentioned, particularly through the curling over of the skin. In five days an imperfection of this character shows on the skin by the area so overlapped becoming slightly pinkish. That shows that incipient putrifaction has set in, but it has not gone to the stage where it injures in any way the value of the skin. That is at once cured then by the second salting, which we call the book.

Mr. McGUIRE. Any skin after being taken from the animal first has a tendency to shrink and roll at the edges?

Mr. LEMBKEY. It does.

Mr. McGUIRE. Very well. You may proceed.

The CHAIRMAN. What is the object of stretching the skin. I did not hear that.

Mr. LEMBKEY. The object of stretching the skin is to have it as long as possible in its salted state. That is, as I understand, the object. It is generally understood that the length of the skin contains the greatest value and not the breadth of it.

The CHAIRMAN. Are they stretched so that they will bring more money?

Mr. LEMBKEY. That is the idea; yes. The reason for that is this: That the fur on the back of any animal is more valuable than the fur on the belly, and the more back you show on the skin the more value you show; the more belly it shows the less value it has.

The CHAIRMAN. If you stretched a skin at the sides, you would contract the length of the skin?

Mr. LEMBKEY. I should say it would; yes. It must necessarily. That would be the result.

The CHAIRMAN. It is stretched at the ends to give it more value?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. You may go on with your statement.

Mr. LEMBKEY. Mr. Elliott has submitted to the committee a long tabular statement appearing to assert that if the sealskins composing the catches of 1910, 1911, and 1912 on the Pribilof Islands had been properly skinned the Government would have received a much greater sum of money in return for these skins than it actually did receive. Just what is meant by this statement it is impossible for me to discover, but it seems to contain a charge of impropriety of some character in the taking of the sealskins for the years mentioned. It is



inferred that this new charge has some connection with the less recent charge made by Mr. Elliott, that the weights of skins were manipulated on the islands by the attachment of more blubber to some than others, and that the Government and the public at large thereby were induced to believe that many skins were taken from older seals than they really were. As the skins for those years have been sold and gone into consumption, there is no exact method of determining whether they were or not properly taken off the animal; the best evidence on that point that can be obtained, in my opinion, is that of the auctioneers in London who sold the skins and of the principal dresser of these skins, both of whom have handled and carefully examined all of the skins composing the catches named. The auctioneers, as the committee knows, were Lampson & Co.; the dressers were George Rice (Ltd.), both of London. I, of course, know that these skins were removed from the animals in the same manner that they had always been removed, and that no change occurred in the practice of skinning between the years in question and that of prior years, and that no attempt whatever was made to have the skins taken in these years or in any year weigh more than ordinarily they should. However, as the committee may desire further evidence than my own statement on the subject, and for the purpose of providing the committee with the best evidence as to how the skins of the years mentioned compared with the catches of former years, I addressed a letter to Mr. Alfred Fraser, of New York, the representative of Lampson & Co., on the subject. I ask permission to read that letter and to introduce it.

Mr. McGUIRE. You may read it.

Mr. LEMBKEY. I have several copies of that letter.

Mr. McGUIRE. Just go ahead and read it.

Mr. LEMBKEY. My letter to Mr. Fraser was as follows:

1101 WOODWARD BUILDING,  
Washington, D. C., January 21, 1914.

Mr. ALFRED FRASER,  
No. 20 Exchange Place, New York, N. Y.

DEAR SIR: Statements have been made recently before committees of Congress to the effect that the Alaska fur-seal skins of the catches of 1910, 1911, and 1912 were "improperly skinned," and that, by reason of such improper skinning, the Government suffered a great money loss.

I have respectfully to request that you favor me with an expression of your opinion as an expert, and, if not too inconvenient, with a similar expression from Lampson & Co., based upon their experience in handling these and other skins, whether or not the Alaska sealskins of the years mentioned were improperly skinned, and whether or not they were skinned in any manner dissimilar to those of former catches.

I will state that any reply hereto may, unless you object, be used as evidence before a committee of Congress considering the matter referred to above.

Respectfully,

W. I. LEMBKEY.

To that letter I received the following reply:

64 QUEEN STREET, E. C.  
London, 3d February, 1914.

W. I. LEMBKEY, ESQ.,  
1101 Woodward Building, Washington, D. C.

DEAR SIR: We have received a copy of your letter of 21st January, addressed to Mr. Alfred Fraser in New York.

In reply, we take pleasure in stating that the Alaska fur sealskins of the 1910, 1911, and 1912 catches, received by us from the United States Government were, in our opinion, well handled, and in no respect differed from those received by us from the islands in previous years.



As you are aware, we have handled these sealskins for many years, and, had those of the 1910, 1911, and 1912 catches differed in any way from usual, we could not have failed to have noticed it.

The weight of the various sizes of the skins taken in 1910, 1911, and 1912, as you may have seen from the catalogues, further go to show that they were flayed in exactly the same manner as usual.

You are at liberty to use this letter for any purpose you may wish.

Yours, truly,

C. M. LAMPSON & Co.

I also addressed the following letter to Messrs. George Rice & Co.

Mr. McGUIRE. These letters will be inserted at this point, Mr. Chairman, in connection with his testimony?

The CHAIRMAN. Yes.

Mr. LEMBKEY. I addressed also the following letter to Messrs. George Rice & Co., 40 Great Prescott Street, London, England:

1101 WOODWARD BUILDING,  
Washington, D. C., January 22, 1914.

MESSRS. GEORGE RICE & Co.,  
No. 40, Great Prescott Street, London, England.

GENTLEMEN: Statements have been made recently before committees of Congress to the effect that for 15 years last passed fur seals killed for their skins on the Pribilof Islands, Alaska, were so skinned that an unusual and unnecessary amount of blubber was allowed to remain on the pelt for the purpose of increasing the normal weight of the skin and thereby creating the impression that such skins were taken from animals much older than those actually killed.

Assuming that your firm has handled the greater proportion of such skins sold in London during the period mentioned, as well as during periods prior thereto, and that, by reason of the experience thus obtained you are in a position to judge of the truth or falsity of such statements, I have respectfully to request that you do me the favor of furnishing me with a signed statement in answer hereto, stating whether or not in your judgment Alaska sealskins taken since 1899 carried more blubber than formerly, whether they or any of them carried excessive amounts of blubber, and whether in short, in your opinion any attempt at delusion and fraud was practiced in the killing and skinning of fur seals during the period mentioned.

I may use your reply to this letter as evidence before a committee of Congress, unless you request me to refrain from so doing.

Respectfully,

W. I. LEMBKEY.

To that letter I received the following reply:

65 QUEEN STREET,  
London, E. C., February 3, 1914.

MR. W. I. LEMBKEY,  
1101 Woodward Building, Washington, D. C., U. S. A.

DEAR SIR: In reply to your letter of 22d January, in our opinion, based upon an experience of over 30 years handling of Alaska and other fur sealskins, we have not found an excessive amount of blubber on the sealskins from the Pribilof Islands during the last 15 years, nor have we found that Alaska sealskins carry more blubber than skins taken prior to the year 1899.

We might mention that we examine all raw fur sealskins shipped to London for public sale and we issue our detailed reports to the fur trade, and we have no hesitation in saying that a good coating of blubber in conjunction with plenty of salt is the best and safest condition in which to pack raw sealskins for shipment.

We certainly have no knowledge or belief that any attempt at delusion or fraud has ever been practiced either before or since the year 1899 in connection with the Alaska sealskins shipped to London each year for sale, and as we are in such close touch with all London firms interested in sealskins, we can go further and state that no one over here entertains any opinion to the contrary.

You have our permission to use this letter as evidence before any committee of Congress if you desire to do so.

Any information you can give us with reference to the future developments with regard to the seals on the Pribilof Islands will be of great interest to us.

We are, yours, faithfully,

GEORGE RICE, (Ltd.),  
F. ALLISON, Secretary.

The CHAIRMAN. Why did you not ask him about the different sizes in their classifications? You remember that was the real source of the trouble, do you not?

Mr. LEMBKEY. I did not desire to get any information on that point. I supposed that was settled by the catalogues and by the statements already published.

The CHAIRMAN. Do you not think it would have thrown some light on this if you had just asked what their classifications meant as to sizes?

Mr. LEMBKEY. I do not know that it would have thrown any further light than that already given the committee, Mr. Chairman. The catalogues of this firm have been published from year to year.

The CHAIRMAN. Yes, but it has been stated to this committee that that has a reference to the different sizes, and others say it does not have, so that it would be very interesting to the committee if you had asked Lampson & Co. to explain that classification as far as sizes are concerned.

Mr. LEMBKEY. I shall be very glad to address a letter to Lampson & Co. attempting to obtain that information.

The CHAIRMAN. I think you had better do that.

Mr. LEMBKEY. Mr. Elliott has introduced in his report, hearing No. 1, page 97, and reported in full a letter of instructions dated May 14, 1896, from C. S. Hamlin, Acting Secretary of the Treasury, to J. B. Crowley, special agent in charge of the Seal Islands, which prohibits during the year 1896 the killing of yearlings and seals whose skins weigh less than six pounds. By this letter he seeks to prove that the taking in subsequent years of skins weighing less than 6 pounds was a violation of regulations. It is proper to call the attention of the committee to the fact that this order in terms refers to the year 1896 only and can not have any application to killing during any subsequent year, unless evidence is brought to show that the instructions by subsequent action of the department was made applicable to succeeding years.

Mr. Elliott has not produced any evidence to show the continuous application of this regulation beyond the year to which it is intended to apply, and as a matter of fact there is no such evidence anywhere to my knowledge, even though it were not produced by Mr. Elliott. His claim, therefore, that the taking of skins weighing less than 6 pounds in years subsequent to the year 1896 was a violation of this regulation which, according to its own terms, was applicable only to that year and to that year alone, is not a valid claim. As a matter of fact instructions issued by the several departments to govern the taking of seals on the islands were annual instructions and intended to apply to the year only in which they were issued or until superseded by subsequent instructions, which were always issued yearly. This may be seen by reference to the instructions for 1905 and following, on pages 150, 240, 477, 581, 702, 955, and 1191, of Appendix A to these hearings. In the annual instructions for each of these years this paragraph, which is repeated in each of the pages cited, may be found:

The instructions embodied in this letter are to remain in force until they are superseded by later ones, and in the event of your failure to receive revised instructions for a subsequent season the directions here given are to be followed for such season so far as they are applicable.

The instructions for the years preceding 1905 are not at my command, but it is confidently asserted that if they were to be examined an instruction similar to the above would be found to be embodied therein, which would clearly demonstrate that they were intended for guidance during the period only for which they were issued and were not to be taken as applying to the subsequent years unless in the failure of receipt of instructions for that later year, which contingency never occurred.

It is fallacious for Mr. Elliott to contend that because instructions were issued specifically applying to the year 1896 only, forbidding in that year the killing of seals having skins weighing less than 6 pounds, the taking of skins of less weight in any year subsequent to 1896 was a violation of existing regulations.

I should like before closing to recapitulate briefly the charges which Mr. Elliott has made before this committee and to call the committee's attention to the question whether or not the result of the investigation of them which the committee has been making for the last three years shows them to have been proved.

Disregarding as immaterial and irrelevant the personal charges which Mr. Elliott has indulged in, three main charges are found to have been made by him and to have formed the basis of most of this prolonged investigation. These main charges are—

(1) That large numbers of female seals were killed by the lessee of the sealing right contrary to law and regulations, with the connivance of the Government officers, both on the island and at the department in Washington.

(2) That large numbers of yearling seals and seals less than 1 year old were killed both by the lessee and by the Government officers after the leasing period contrary to law and regulations.

(3) That the killing of male seals has been so close that a sufficient number of males for breeding purposes has not been reserved, thereby causing great injury to the herd of seals in general and decreasing the birth rate.

It might be of advantage to discover from the testimony adduced, both in the previous hearings and in the reports recently submitted, whether any of these charges have been proved or, at least, how these charges now stand with regard to the evidence submitted with respect of them. In regard to the first charge, that thousands of female seals have been surreptitiously killed in contravention of law, the only evidence adduced to support it was the relation of a visit of a senatorial committee to the islands 11 years ago.

The CHAIRMAN. No, just one moment, there. Did he not speak of the killing of yearling female seals?

Mr. LEMBKEY. He speaks of them, yes. I was speaking of the evidence which was produced to support the charge.

The CHAIRMAN. That is at least my recollection of it. That is what he charged, that thousands of yearling females were killed.

Mr. LEMBKEY. I know that that was included in Mr. Elliott's charge, but I am speaking now of the evidence which had been produced to support the charge.

Mr. McGUIRE. I understood you, Mr. Lembkey, to state that the charge was that large numbers of females had been killed, without designating the ages. Would it not be proper to let Mr. Elliott speak

now whether his charge was intended to cover the killing of anything except yearling females?

Mr. ELLIOTT. I understand it to cover yearling females.

The CHAIRMAN. I have a decided impression about that.

Mr. McGUIRE. It is straight now. I did not understand him to say here that they were yearlings, but I just wanted to satisfy myself as to whether they were yearlings.

Mr. LEMBKEY. The only evidence, as I state, to support this charge was the relation in previous testimony of a visit of a senatorial committee to the islands 11 years ago on which occasion a small killing of seals was made out of season as a demonstration for the committee's information. During this killing a female seal was struck accidentally by the clubbers and killed. It was shown by the evidence that this killing was made after the regular killing season had closed, and at a time when the families on the breeding rookeries had broken up and the sexes mingled together on the bachelors' hauling grounds, and when it was impossible to gather up a band of young seals for killing without having among them a number of females having the same size and general appearance as the males.

The fact is also put in evidence that the native clubbers had stringent orders to avoid, by every possible means in their power, the killing of these females; that the killing of this one was an accident and one which occurred probably several times during every season. Outside of this one instance which, though regrettable, was accidental, no evidence of any character was brought to substantiate the charge that many thousands of these female seals were killed annually, either purposely or accidentally, and that the skins of these females formed a large percentage of the catch. It might have been thought that although this charge was true Mr. Elliott had not been able to visit the islands since 1890 and had not, for that reason, an opportunity to examine the catches or to view the killings of the lessee, and was not, therefore, able to produce evidence of this killing of females which he might have obtained had he been present on the islands.

I desire to recall the fact that Mr. Elliott visited these islands last summer without previous notice to those there, inspected and examined the sealskins at will, and questioned privately the native workmen in regard to this and other charges. Had the practice of killing females been general as alleged, it would have been known by all of these native men and the fact could not have been suppressed, for it is not to the interests of these native people to have females destroyed as they well know that by destroying the females the future increase of the herd itself is destroyed from which they obtain their living and in which they feel a proprietary interest. However, in extended examinations of these people last summer through interpreters by Mr. Elliott, without exception they all testified that never at any time had it been the practice to kill female seals; that they had received explicit instructions from the agents not to kill them; that when a female occasionally appeared in the drives she was allowed to escape; that if one was clubbed by accident the fact was reported to the Government agents who gave orders for renewed caution, and that these agents carefully inspected the killings by themselves examining the carcasses to ascertain whether cows had been killed but not reported to them. This testimony appears in the Elliott-Gallagher report to the committee, pages 116, 117, and 120 of hearing No. 1.

In addition to taking the testimony of the natives Mr. Elliott had an opportunity to inspect a couple of thousand of sealskins which were taken before his arrival and without knowledge of his coming. He did, as a matter of fact, examine hundreds of them. After a female skin has been taken from the animal it can still be detected by the present of mammæ on the pelt. If Mr. Elliott found any female skins in the catch as a result of his examination of the skins in the salt house when he was there last summer his report is entirely silent as to that important fact. It is reasonable to conclude that if he had found any of these female skins he would not have suppressed the fact and that since he did not report that he had found any he must have found none.

Thus the charge of killing female seals which was given such wide publicity by Mr. Elliott is found after a searching examination to have had no basis in fact.

The second charge was that yearling seals or seals of less than 1 year of age had been killed. This charge was based wholly upon a series of inductions leading up to the hypothetical conclusion that what was charged was true. In support of it Mr. Elliott assumed from certain measurements made by him many years ago that the length of a yearling seal's body was about 39 inches; that the skin when removed from the body, on which several inches of hide is always allowed to remain at the head after skinning would be about 35 inches long and that this skin did not shrink or otherwise change shape after having been taken from the body. Upon these hypotheses he assumed that any salted skin 35 inches in length or less was that of a yearling.

According to a classification of sealskins published in about 1890 by Lampson & Co., salted skins of about 33 inches in length are called small pups and salted skins 30 inches in length extra small pups. Mr. Elliott quoted from the sales catalogues publishing the catches of sealskins for 15 years back to show that many of these skins called by the trade "small pups" and "extra small pups" were in the catches of these years. He therefore claimed before the committee that all small pups and extra small pups were yearling skins, because all of such skins were less than 35 inches in length, the average length he claimed a yearling skin should have.

The trouble with this argument was that the facts disclosed by an investigation of it did not support it. The whole argument hinged upon the question whether or not a seal skin after being salted was the same size as when the skin was still on the body. If the salted skin retained the same length as before it was removed from the animal then Mr. Elliott was justified in reaching the conclusion that a 39-inch animal only would produce a salted skin 35 inches in length or less. On the other hand, if the salted skin was much smaller than when on the animal, or if the size of the skin was changed irregularly by salting or skinning then Mr. Elliott's argument failed, because then he could not determine by the size of the salted skin what was the size of the animal from which it was removed. It was found from the evidence that in support of his contention Mr. Elliott had never made any experiments as to what change in the length of a skin occurred after removal or through salting and he was unable to produce the record of experiments on this point made by others, so that Mr. Elliott really had no material evidence to produce on this point. He had to depend entirely upon the bare unsupported assump-

tion that the size of these skins did not change in salting after removal from the animal.

I have already referred to careful tests of this matter made by the Bureau of Fisheries last summer, which I have furnished to the committee and which show that actually a remarkable change in the size of the skin occurred after it was removed from the body; that this change though irregular, almost invariably was a lessening of the dimensions of the skin when on the body and that in fact the skin of a seal confessedly a 2-year-old became so small after salting as to bring it within the size claimed by Mr. Elliott to be that of a yearling seal only. It thus appears that Mr. Elliott's charge that yearlings had been killed was not substantiated by the result of careful actual tests.

There were additional facts developed in Mr. Elliott's investigations on the islands last summer, which also demonstrated the fallacy of his argument. The testimony of the natives in answer to questions by Mr. Elliott is that the skins, after removal shrunk inches from their natural size.

Mr. McGUIRE. Is that in his report?

Mr. LEMBKEY. That is to be found in the report of Elliott and Gallagher, Hearing No. 1, page 117.

Mr. McGUIRE. That reference will be sufficient.

Mr. LEMBKEY. There is important corroborative evidence on this point appearing in the previous hearings, which controverts Mr. Elliott's claim that a 33-inch salted skin, called by the Lampson classification a small pup skin, is that of a yearling. Mr. Elliott has published repeatedly in his reports and stated in these hearings that the average weight of the skin of a 2-year-old is  $5\frac{1}{2}$  pounds. In the same list of Lampson & Co. cited by Mr. Elliott containing the statement that a salted skin 33 inches long is called by the trade a small pup skin, which may be found in the original hearing No. 1, page 30, it is stated that the weight of such a small pup skin is 6 pounds and 2 ounces, or much in excess of the average weight of  $5\frac{1}{2}$  pounds which Mr. Elliott lays down as the weight of 2-year-old skins. So that while Mr. Elliott has relied mainly on Lampson's statement that a small pup skin measures 33 inches in length to show that such a skin is the skin of a yearling, he is met by the fact that in the same statement Lampson's wholly controvert this conclusion by stating that this 33-inch supposedly yearling skin weighs over a half pound more than the  $5\frac{1}{2}$  pound weight which Mr. Elliott claims is that of a 2-year-old skin.

Mr. Elliott endeavors to escape this predicament by claiming that Lampson's list referred to salted skins and that Elliott referred to green or unsalted skins and claims that skins gain in weight by salting. Exhaustive experiments by the Bureau of Fisheries, however, a record of which I have furnished you, show that skins, instead of gaining weight by salting, actually lose weight thereby and that salted skins really weigh less than before salting.

The committee can thus see from the evidence that Mr. Elliott's charge that yearlings have been killed and falsely certified is based upon an hypothesis which the facts not only do not support but which they actually overthrow.

The third main charge made by Mr. Elliott against those engaged in taking seal skins is that the killing of young and immature male



seals has been so close that enough of those animals were not allowed to escape from killing to provide a sufficient number of male breeders. In respect of this charge Mr. Elliott did not allege any especial loss to the Government as that, for instance, because of the lack of male breeders female seals were not impregnated that otherwise would have been and consequently pups were not brought forth that would have been born if the alleged conditions complained of had not existed. He merely claims that by reason of alleged close killing of these males natural selection of males was interfered with and the strongest males were not, in all cases, allowed to breed. He claims that this would result in a deterioration of species by allowing the weaker males to become sires of pups.

As in the case of other charges before cited, Mr. Elliott produced no evidence to support this latter charge, but supported it with argument merely, based upon hypotheses which were open to serious question. He could not show that the killing for skins of immature males, which were too young by several years to breed had as a matter of fact interfered with the birthrate. His argument that the survival of the fittest was interfered with by killing of males, if it had any weight at all, would imply that killing should be forever stopped; because, if the killing of any males at all was injurious at the time mentioned by Mr. Elliott it must be at all times, and therefore should never be permitted.

To refute this charge the facts adduced, as shown by the evidence are:

(1) That an ample reservation of young males to survive as breeders was made each year since 1904, inclusive, before any killing at all for skins was allowed.

Mr. BRUCKNER. Might I ask how that was done, Mr. Lembkey?

Mr. LEMBKEY. That was done by selecting annually 1,000 of the 3-year-olds and 1,000 of the 2-year-olds and marking them on the head in such manner as to allow them to be readily distinguishable thereafter. They were marked in 1904 by the use of hot irons exclusively. In 1905 they were marked partially by hot irons and partially by the use of sheep shears. After 1905 they were marked exclusively by the use of sheep shears.

The CHAIRMAN. How old were they?

Mr. LEMBKEY. Two and three years.

(2) That the condition has never been known on the islands of breeding females being without pups, thereby demonstrating that breeding males are at present in sufficient numbers.

It can be seen from the foregoing that of the three charges offered by Mr. Elliott against the methods of killing seals not only has a single one not been proven, but no evidence even has been produced showing that there was ground for bringing these charges. In the light of this lack of evidence I feel that the committee safely can conclude that these charges are groundless and should be dismissed.

Mr. McGUIRE. Did you hear Mr. Clark's statement that more than 5,000 pups born in 1912 were branded on the head in 1912?

Mr. LEMBKEY. I did.

Mr. McGUIRE. You may state if you were there at that time.

Mr. LEMBKEY. I was.

Mr. McGUIRE. Do you know who took part in that branding, of the agents of the Government?



Mr. LEMBKEY. I was present myself on two occasions on which I saw Mr. Marsh and Mr. Clark doing the branding. After their departure from the islands I continued the work of branding, which was done not only by myself but by Dr. McGovern, who was resident physician on the island, and, so far as I can remember now, the entire native population of St. Paul Island was also present.

Mr. McGUIRE. You enumerated those branded, did you, so you could tell about how many there were?

Mr. LEMBKEY. A careful count was made of them.

Mr. McGUIRE. A careful count was made of them? And how many were there branded?

Mr. LEMBKEY. I do not remember just how many.

Mr. McGUIRE. Were there 5,000 or more?

Mr. LEMBKEY. There were. Taking Mr. Clark's statement and adding thereto what were branded by myself and what were branded on St. George by Agent Proctor, there were over 5,000, as I recollect.

Mr. McGUIRE. Were males and females alike branded?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. And were they all of the pups born of that year?

Mr. LEMBKEY. No, sir. You mean to say, did we brand all of the pups of that year?

Mr. McGUIRE. Ch, no; I mean to say were all that were branded pups born that year?

Mr. LEMBKEY. Yes, sir; they were all pups born that year.

Mr. McGUIRE. Were you there in 1913?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. Give the committee, briefly, your observation in respect of whether those pups returned with the balance of the herd and whether they were there on the hauling grounds in 1913. And if not, did they come with the others. If they came, when did they come?

Mr. LEMBKEY. In 1913 a careful search was made in the drives of all seals made for killing purposes to determine the presence among those seals of any of those marked in 1912 by being branded on the head. None of these seals appeared in any of the drives made by me in 1913 for killing purposes. After Mr. Clark's arrival on the island, which occurred sometime in July, 1913—I do not remember the exact date—Mr. Clark and I, with a large gang of natives, on about July 25, proceeded to the hauling grounds of Reef rookery for the purpose of driving up the bachelors found there and making a careful search for the presence of these branded yearlings. Previous to our going to the rookery Mr. Elliott was notified of our project and invited to accompany us. We went, under the circumstances stated, to those hauling grounds.

Mr. McGUIRE. Did Mr. Elliott go with you?

Mr. LEMBKEY. He did not.

Mr. McGUIRE. Did he refuse to go?

Mr. LEMBKEY. He did. We went to this hauling ground as stated and there found more than 1,000 seals, bachelors. Probably there were nearer 2,000 than 1,000, but at any rate there were much over 1,000 seals. These seals were driven to one side, and from the whole mass small pods, as they are called, or bands of 30 to 50 were detached and driven back and carefully scrutinized to determine whether any of those branded seals were among the number. We found in this entire mass, as I can recollect now, but one having a perfectly distinct head

brand. Mr. Clark has already mentioned that in his testimony. We found several others having slighter marks on their heads which we took to be also those that were branded the preceding year.

Mr. McGUIRE. What time of the year was that?

Mr. LEMBKEY. That was in the latter part of July; I do not remember the exact date.

Mr. McGUIRE. Was that during the killing season?

Mr. LEMBKEY. It was at about the end of the regular killing season.

Mr. McGUIRE. What is the regular killing season?

Mr. LEMBKEY. It closes July 31 in each year. It begins as soon as the seals arrive.

Mr. McGUIRE. Along about May, the first of May?

Mr. LEMBKEY. If the seals are present in May they would begin to kill at that time, but the usual practice is, in later years, to begin the killing season not until some time after the first of July, as seals did not arrive in sufficient numbers before that time to justify driving them.

I understand that after my departure from the islands the hauling grounds were searched by those left in charge of the islands and that numbers of these branded yearlings were found among the seals on the hauling grounds.

Mr. McGUIRE. Was that after the killing season?

Mr. LEMBKEY. After the killing season was over; yes, sir.

Mr. McGUIRE. From your experience as an expert and after having been on the islands several times and from the results of your observations and experimentations what would you say as to the yearling seal returning or being found on the hauling grounds during the killing season?

Mr. LEMBKEY. My observation has been that these seals do not appear on the hauling grounds in any numbers whatever until toward the close of the killing season, that is to say, around the period of July 25 of each year. The greatest number appears after the first of August and in the month of September thousands of these little yearlings may be seen among the pups of the year on the breeding grounds themselves.

Mr. McGUIRE. Among the pups of that year, the same year?

Mr. LEMBKEY. Among the pups of that year.

The CHAIRMAN. Will you just repeat that statement.

Mr. LEMBKEY. I said that in the month of September many thousands of these little yearlings might be found on the breeding grounds among the pups of the year. As a matter of fact it was rather difficult at a glance to distinguish between the pups of the year and those little yearlings because their sizes were almost similar. Of course anyone could who understood the matter distinguish them.

The CHAIRMAN. Between an early pup of that year and a late pup of the previous year?

Mr. LEMBKEY. They were almost similar in size; yes, sir.

Mr. BRUCKNER. What is the breeding season?

Mr. LEMBKEY. It begins on the 15th of June usually, and extends to about the close of July. The height of the season is along about the 13th of July.

Mr. BRUCKNER. I am speaking about the breeding season, not the killing season.

Mr. LEMBKEY. That is what I am speaking about. The cows arrive on the islands about the 15th of June each year—that is, the first cow arrives then. One might arrive several days before that, but that is the day that usually marks the arrival of the first female.

Mr. McGUIRE. How many different seasons have you been on the islands?

Mr. LEMBKEY. Every season since 1899.

Mr. McGUIRE. All right. And have you taken part in the killing each season?

Mr. LEMBKEY. I took active part in each killing since and including 1900. I was present at each killing in 1899 but did not participate actively.

Mr. McGUIRE. Have there been any female yearlings killed in large numbers at any time since you have been representing the Government there during the killing season?

Mr. LEMBKEY. No.

Mr. McGUIRE. Have there been yearling males killed in large numbers since you have been there representing the Government?

Mr. LEMBKEY. There have not.

Mr. McGUIRE. Has there at any time since you have been representing the Government there been an unusual or unnecessary amount of blubber taken for the purpose of increasing the weight of the skin for any purpose?

Mr. LEMBKEY. Never to my knowledge.

Mr. McGUIRE. Could it have been done to any considerable extent without you or the persons under you having observed it.

Mr. LEMBKEY. It could not, for the reason that these skins were each weighed by myself or another Government officer after removal from the body and any excessive amount of blubber would have been discovered.

Mr. McGUIRE. You agree then, do you, with the statements in the letters of Messrs. Lanipson & Co. and—what were those other parties?

Mr. LEMBKEY. George Rice (Ltd.).

Mr. McGUIRE. And George Rice (Ltd.), that those sealskins were taken from the seal in the usual way and with the usual and proper amount of blubber?

Mr. LEMBKEY. I agree with those; yes, sir.

Mr. McGUIRE. Whatever slight variation there might be depended upon the greater or less skill possessed by the person taking the skin?

Mr. LEMBKEY. That is a fact; yes.

Mr. McGUIRE. State whether there is or might be a slight difference by reason of that fact.

Mr. LEMBKEY. There is considerable difference in the manner in which the skin is taken off the animal in every killing we have had. I do know, from intimate knowledge of the ability of each skinner, that there is not a single man on the island who skins seals like another man. There might be two or three on St. Paul, but outside of these who skin practically alike, there is considerable difference between the skinningwork of every skinner. For example, we have on St. Paul a left-handed man or, rather, a man who skins seals with his left hand. He has the peculiar habit of holding his knife whereby the blubber is taken off by the point of the knife clear down to the skin while more blubber is left toward the hilt of the knife, so that

instead of the blubber being laid over the skin in a uniform layer there are stretches where, for example, there would be no blubber at all left, while on others there might be the thickness of a quarter of an inch, or thereabouts. In other words, the blubber is left on there in layers unevenly.

Then again we found that the younger men make a practice of leaving a little more blubber on the skin than the older men do because of the relative inexperience of skinning of the younger fellows and the greater liability of cutting the skin which is more or less of a crime on the islands or an admission of inefficiency. To be sure that the pelt will not be injured as the result of their skinning, some of these young fellows or, in fact, all of the young men, when they begin the practice of skinning leave more blubber on the skin than the older ones would. The older men, on the other hand, endeavor to, and do as a matter of fact, leave a uniform and thin layer of blubber on the skin, which blubber is necessary, I might state, for the proper curing of the skin.

Mr. McGUIRE. You may state to the committee, if you will, just how your skinners are arranged and describe the skinning of an animal just as it was done under your or others' instruction.

Mr. LEMBKEY. The sealing gang, as we call the native workmen on the islands, is divided into various classes—clubbers, stickers, a gang we call rippers and flipperers, and another gang we call the skinners.

Mr. McGUIRE. Tell us just what each does.

Mr. LEMBKEY. The clubbers, of course, separate the seals from the main drive in pods of about 50, bring them up to the place where it is desired to kill them——

Mr. McGUIRE (interposing). Are those clubbers experts as to what seals should be killed?

Mr. LEMBKEY. They are.

Mr. McGUIRE. And selected because they are experts?

Mr. LEMBKEY. They are selected, from men who have had experience. That is a job which involves more or less hard work. Most of them prefer to do the skinning. As a general rule the clubbing falls upon the strongest men.

Mr. McGUIRE. To do the clubbing?

Mr. LEMBKEY. All the men have had considerable practice at clubbing.

These clubbers knock down such seals as are desired to be killed and dismiss those that are ineligible for killing, and after their dismissal lay out the carcasses knocked down in some regular form so that the men behind them who must take off the skin can handle them in an expeditious manner.

Mr. BRUCKNER. Do the seals fight back, Mr. Lembkey?

Mr. LEMBKEY. They are quite active in that regard; yes. During the clubbing it is necessary for a man to be more or less agile in getting around.

As soon as these seals are hauled back or laid out, as we call it, by the clubbing gang, they are taken charge of by the stickers.

Mr. McGUIRE. What do they do?

Mr. LEMBKEY. They are the youngest men in the gang, men 16 and 17 years of age, performing their apprenticeship, in the art of sealing. They bleed the seal to death, thereby insuring that he is

dead before the carcass is taken in hand by either the rippers or the skimmers. Neither of these latter gangs touches a seal until it is unmistakably dead. The rippers and flipperers, as they are called, make certain incisions on the body for the purpose of expediting the work of taking the skin off the carcass, which is done by the skimmers themselves. They come last of all.

Mr. McGUIRE. Who come last of all?

Mr. LEMBKEY. The skimmers come last of all, after the rippers have made those incisions around the head and tail, along the belly and around the two fore flippers so that nothing is left for the skimmers to do except merely to—

Mr. McGUIRE (interposing). Rip the skin off.

Mr. LEMBKEY (continuing). To take the skin off, and they advance down the field from carcass to carcass, skinning them and spreading out the skin to cool.

Mr. McGUIRE. Was there any killable seal left up there last year that should have been killed as a matter of economy and good judgment by the Government of the United States?

Mr. LEMBKEY. There were, in my judgment, many seals that should have been killed.

Mr. McGUIRE. How many?

Mr. LEMBKEY. I should say that 10,000 could have been killed without any detriment to the herd.

Mr. McGUIRE. If they could have been killed without a detriment to the herd would it not have been an advantage to the herd to have killed them—that is, in the future?

Mr. LEMBKEY. I should say yes.

Mr. BRUCKNER. Why, Mr. Lembkey?

Mr. LEMBKEY. Because the allowing of those animals to escape at the present time in such large numbers will insure their coming up on the breeding grounds four or five years hence in similarly large numbers and in a number much greater than can be provided with female consorts.

Mr. BRUCKNER. I understand.

Mr. LEMBKEY. There will, therefore, be many of those bulls idle. These idle bulls will form a fringe around the entire outskirts of the rookery, eager and anxious to break into the breeding area and take the cows.

Mr. BRUCKNER. Yes. Have you any idea of the proportion of males and females? Is there any way that can be calculated?

Mr. LEMBKEY. It has been demonstrated that they are born in equal numbers.

Mr. BRUCKNER. In equal numbers?

Mr. LEMBKEY. Yes. As a matter of fact—I might as well put this on the record—in 1899 the effect of the suppression of killing of large numbers of males of previous years was very apparent. During the time of the Paris tribunal of arbitration, that is to say, from 1891 to 1893, both inclusive, the killing on the islands was stopped except to the extent of 7,500 a year. That allowed many thousands of males to escape and to grow up to adult size; and when I went there first in 1899 these thousands of adult but idle bulls were still present. There were thousands of them that had been born, that grew up to the adult estate and died that, in my opinion, never had a female consort.

Mr. BRUCKNER. Do you maintain, Mr. Lembkey, that if the bulls were killed off every year—or bachelors, or whatever you choose to call them—the herds would prosper, would be better? The law never allowed the killing of females, did it?

Mr. LEMBKEY. Never.

Mr. BRUCKNER. Then what has become of the vast number of females? Where are they?

Mr. LEMBKEY. The females have been killed at sea.

Mr. BRUCKNER. At sea?

Mr. LEMBKEY. At sea; yes, sir.

Mr. BRUCKNER. Was that lawful?

Mr. LEMBKEY. It was not contrary to international law.

Mr. McGUIRE. Is there any further statement, Mr. Lembkey, or are you through?

Mr. LEMBKEY. I am through; yes.

The CHAIRMAN. I just want to ask a few questions now, and then I think we ought to adjourn, as it is nearly 4 o'clock.

Mr. Lembkey, at page 383 of hearing No. 1, second column, you are quoted as having made the following statement to the Ways and Means Committee January 25, 1907, page 66, notes MS., typed.

Mr. LEMBKEY. It is page 62.

The CHAIRMAN. Page 66. This is the statement. I will read it to you and then see what explanation, if any, you have to make:

Mr. LEMBKEY. In 1890 conservative estimates placed the number of the Pribilof Islands between 4,000,000 and 5,000,000. To-day there are probably not over 180,000 in the entire herd.

Did you make that statement to the committee?

Mr. LEMBKEY. I appeared before the committee, as near as I can recollect, on that date, and I am willing to admit that those were my statements.

The CHAIRMAN. I should say that my attention has been called to the fact "1890" ought to have been "1870."

Mr. WILLIAMS (of Mississippi). At the end of 18 or 19 years, if no killing at all, you think they would go back to between 4,000,000 and 5,000,000?

Mr. LEMBKEY. I have no doubt they would. (Hearing on Fur Seals, Ways and Means Committee, Jan. 25, 1907; p. 66, notes; MS. typed.)

Mr. LEMBKEY. \* \* \* so, that shows that in 15 years this (Robbens Reef) herd had rehabilitated itself, and I suppose that if the Pribilof herd were left alone, immune from land killing as well as sea killing, it would do the same thing. (Same hearings before the Ways and Means Committee.)

That was your sworn statement to the committee, was it not?

Mr. LEMBKEY. That was my statement to the committee. I do not know whether I was sworn or not, but I was willing to swear to it, of course. That was my off-hand belief at that time, yes.

The CHAIRMAN. Then if the herd has been reduced from 4,000,000 to 180,000 there must have been damage done to the Government of many millions of dollars. Is that not a fact?

Mr. LEMBKEY. Undoubtedly the Government lost the difference.

The CHAIRMAN. Will you make a general statement of what you think that would amount to?

Mr. LEMBKEY. The difference between 4,000,000 and 180,000 would be 3,820,000.

Mr. McGUIRE. Of skins?

Mr. LEMBKEY. Of skins. We might assume that they were worth \$25 apiece. They were worth \$95,000,000 in round numbers, accord-



ing to that. \$95,500,000 at \$25 apiece would be the value of the skins.

The CHAIRMAN. That is all I care to ask.

Mr. McGUIRE. Who got those?

Mr. LEMBKEY. The decrease was caused, in my opinion, by the killing of mother seals at sea by the pelagic hunters.

Mr. McGUIRE. Then it is your judgment that the decrease in the number of seals probably was due to pelagic sealing?

Mr. LEMBKEY. It was, of course.

Mr. McGUIRE. And not due to the officers of the Government?

Mr. LEMBKEY. Not in the least.

Mr. McGUIRE. In no way?

Mr. LEMBKEY. In no way whatever.

Mr. McGUIRE. When you said if they were left alone and no killing was permitted on land or at sea, you said they would multiply?

Mr. LEMBKEY. I did.

Mr. McGUIRE. You still say that, do you not?

Mr. LEMBKEY. Certainly.

Mr. McGUIRE. But you do not undertake to say that would be the best means of handling them, rather than killing those that were proper to be killed?

Mr. LEMBKEY. No.

Mr. McGUIRE. Is it the economic way?

Mr. LEMBKEY. The economic way, in my opinion, is to kill off a certain number of surplus males, but, of course, leaving a sufficient number to survive as breeders.

Mr. McGUIRE. It would be just the same as turning loose a herd of cattle; they would probably increase, but that would not be an economic way of handling them?

Mr. LEMBKEY. I must state, without any attempt to substantiate any theory or anything like that, that my experience in 1899, which showed the presence of these thousands and thousands of idle bulls, vicious and eager, endeavoring at all times to get cows that they never could obtain, leads me to believe that the releasing of all males now would be a serious disadvantage to the increase of the herd, as well as a positive loss economically of the value of their skins.

The CHAIRMAN. But your idea was that if all the killing on sea and on land was stopped in about 18 or 19 years there would be about 4,700,000 seals on the island?

Mr. LEMBKEY. That is a general statement. I am willing to adhere to what I said. I do not wish in any way to mitigate it, but I will say that that statement was made in connection with the relating of the increase of the seals on Robben Reef, when they were left absolutely undisturbed for a period of 15 or 16 years, and increased during that time to probably their original numbers, which were never large.

The CHAIRMAN. How many seals do you think there would be there if there were no killing on land or sea in five years from now?

Mr. LEMBKEY. Our estimates lead us to believe that they would increase at the rate of about 15 per cent a year—from 12 to 15 per cent. I wish to state that at the time I made this statement I had never made any endeavor to compute exactly the number of seals that might be present in future. It was a rough guess. Since then I have endeavored as closely as possible to forecast the increase in seal life



that might occur as the result of the stoppage of pelagic sealing as well as the stoppage of land sealing and can speak now with more knowledge and more exactness.

The CHAIRMAN. I simply wanted you to verify this statement which I have read.

Mr. PATTON. What number of seals do you think were there last year?

Mr. LEMBKEY. On the Pribilof Islands?

Mr. PATTON. Of all kinds.

Mr. LEMBKEY. I would not like to make any estimate because I did not attempt to enumerate them. My service was exclusively taken up with the direction of the material affairs of the islands and the work of enumeration was done by Mr. Clark on the part of the Department of Commerce and by Mr. Elliott and Mr. Gallagher on the part of the committee. I am willing to accept Mr. Clark's enumeration, however, as correct.

Mr. BRUCKNER. How do the seals mate? Do they mate the same way every year? In breeding, I mean. In other words is there but one female?

Mr. LEMBKEY. Do the same bull and the same female come back to the same spot each year?

Mr. BRUCKNER. Yes.

Mr. LEMBKEY. We believe that they do, but we have not been able to observe enough of those marked in such a manner as to have them recognized from year to year as to state that as a doctrine conclusively, but we have found many bulls, for example, having some peculiar mark or characteristic by which they could be recognized, that returned to the same spot from year to year.

Mr. BRUCKNER. Do they associate with more than one female?

Mr. LEMBKEY. Yes, they have large families. They are highly polygamous.

Mr. PATTON. There were about 65 to the male last year.

The CHAIRMAN. By unanimous consent you will take a recess now to meet to-morrow at 2 o'clock, p. m.

(At 3.45 o'clock p. m. the committee took a recess to 2 p. m Thursday, Feb. 26, 1914.)

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
*Wednesday, March 4, 1914.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

**TESTIMONY OF MR. WALTER I. LEMBKEY—Continued.**

The CHAIRMAN. Mr. Lembkey, it seems to me that at the close of your testimony at the last hearing you stated that a herd of 4,500,000 would be worth about \$90,000,000 to the Government, at \$25 a skin.

Mr. LEMBKEY. I made some such computation, yes.

The CHAIRMAN. How much do you think it would be worth to the Government annually, in the way of earning capacity, if it were properly handled?

Mr. LEMBKEY. A herd of 4,000,000?

The CHAIRMAN. Yes.

Mr. LEMBKEY. Well, I should say that a herd of that size would allow the killing each year of 75,000 or 100,000 seals without any detriment to its future.

The CHAIRMAN. That is, if it was properly handled?

Mr. LEMBKEY. Yes, sir.

The CHAIRMAN. Like a farmer would take care of his cattle and cull them out?

Mr. LEMBKEY. Practically so; yes, sir.

The CHAIRMAN. How much would you consider a skin would be worth of the 75,000 or 100,000?

Mr. LEMBKEY. Well, of course, I could only make a conjecture on that point, but I should say they would be worth, perhaps, \$25 apiece. However, with a large number of skins such as that thrown on the market each year it is possible that the selling price of those skins might be lowered somewhat and that they would not bring quite as much money as skins bring to-day when the supply is small. But I should say that \$25 would be a fair estimate of what they might bring with an annual yield of 100,000.

The CHAIRMAN. I heard you say something about making drives at night. Do you kill them at night or in the daytime?

Mr. LEMBKEY. I do not remember having touched upon that topic. But the killing is done in the daytime. The drives, however, are started usually at daybreak. The natives go to the hauling grounds before daybreak and aim to start the drive as soon as it is light enough to do so. In the summer time, of course, on those islands there is very little night at all during the killing season.

The CHAIRMAN. Mr. Lembkey, you may take up hearing No. 9, and at page 434, about the middle of the page, you gave a summary to the committee as follows:

A summary of the classification of the 12,920 salted fur-seal skins of the catch of 1910, sold by Lampson & Co., is as follows: Smalls, 132; large pups, 995; middling pups, 4,011; small pups, 6,205; extra small pups, 1,528; extra small pups, 11; faulty, 38.

That is correct, is it not?

Mr. LEMBKEY. That was a correct summary of the catalogue by Lampson & Co., of Alaska salted sealskins for that year, 1910.

The CHAIRMAN. Can you tell how much money per skin the 1,528 extra small pups brought?

Mr. LEMBKEY. I could not tell that without referring to the sale sheet for that year. I do not know at present.

The CHAIRMAN. Is your answer the same as to the 6,205?

Mr. LEMBKEY. I have not any remembrance of the selling price of the skins in that year. This is 1910, and if I remember they averaged about \$32. That is merely an effort to remember the price they brought.

The CHAIRMAN. The smalls are 132, and how much did they average?

Mr. LEMBKEY. I really do not remember what they brought. If I had a catalogue I could tell.

The CHAIRMAN. Smalls are large 2-year-olds, are they not?

Mr. LEMBKEY. No; smalls, I should say, are probably 4-year-olds.

The CHAIRMAN. And the large pups, in what class are they?

Mr. LEMBKEY. I suppose they would be large 3-year-olds. That is merely a guess on my part, because I do not know anything about the classification of those skins.

The CHAIRMAN. What accounts for the difference in the sale price of these skins?

Mr. LEMBKEY. So far as I know—and I know nothing of it—the price is predicated upon the size of the skin itself. Of course, there are other factors that lessen the price, as, for example, cuts and other imperfections in the skin, and the fact that the skin may be somewhat stogy, the fur be poor.

Mr. BRUCKNER. The same as any other hide?

Mr. LEMBKEY. Yes, sir; they run from high to low grade.

The CHAIRMAN. All other things being equal, the price is determined entirely by the size?

Mr. LEMBKEY. As I understand it, yes.

The CHAIRMAN. Was Mr. Clark correct when he stated that extra small pups were yearlings?

Mr. LEMBKEY. Not in my opinion; no, sir. In my opinion, extra small pups are small 2-year-olds.

The CHAIRMAN. What are small pups?

Mr. LEMBKEY. Small pups are rather large 2-year-olds. They weigh 6 pounds. A small pup skin in London, according to the Lampson classification, weighs over 6 pounds. So that would bring them well inside of the 2-year-old minimum limit of weight, in fact bring them well inside of the average limit of weight of a 2-year-old skin, which is  $5\frac{1}{2}$  pounds.

The CHAIRMAN. Do you remember what Fraser said about the length of these skins?

Mr. LEMBKEY. I do not remember exactly. His statement, however, is in Hearing No. 1, if I am not mistaken. He made a statement to the committee in Hearing No. 1, page 30, the fourth or fifth paragraph from the bottom of the page, and in that statement he says that the weight of a small pup skin is 6 pounds 2 ounces; length,  $33\frac{3}{4}$  inches; breadth,  $23\frac{1}{4}$  inches. Extra small pups—I am not quoting the language exactly—weight, 4 pounds 15 ounces; length, 30 inches; breadth,  $21\frac{3}{4}$  inches.

The CHAIRMAN. Do you remember that Commissioner Bowers stated that the skin of a yearling seal weighed  $4\frac{1}{2}$  pounds?

Mr. LEMBKEY. I was not here when Mr. Bowers made his statement.

The CHAIRMAN. If he did, do you think that is a correct statement?

Mr. LEMBKEY. What was it? Four and one-half?

The CHAIRMAN. Yes.

Mr. LEMBKEY. Yes; I should say that the average weight of a yearling skin was in the neighborhood of  $4\frac{1}{2}$  pounds. However, I have weighed very few of them.

The CHAIRMAN. And its length would be as Fraser stated there; is that your judgment?

Mr. LEMBKEY. No; I would not state that the length of a salted skin would be as Mr. Fraser states here. The length of the seal itself would be in the neighborhood of 39 inches from the tip of the nose to the end of the tail; the length of the salted skin, however, would be pretty small.

The CHAIRMAN. You remember that Dr. Evermann had the skins of three yearling seals before this committee?

Mr. LEMBKEY. Yes, sir.

The CHAIRMAN. And they were numbered 7, 8, and 9?

Mr. LEMBKEY. Yes.

The CHAIRMAN. It seems to me you said before the committee that you picked these skins out.

Mr. LEMBKEY. I did.

The CHAIRMAN. As yearling seals?

Mr. LEMBKEY. Yes, sir.

The CHAIRMAN. And in the hearing they appear as follows:

No. 7. The sealskin measures  $35\frac{1}{2}$  inches long. The seal itself was 41 inches long. The skin weighed 4 pounds  $9\frac{1}{2}$  ounces. That was called a yearling.

Is that a correct statement?

Mr. LEMBKEY. I should say it was; yes, sir. I do not remember the figures. May I ask the place from which you are taking that quotation?

The CHAIRMAN. Yes; it is at page 553, I think, Hearing No. 10.

Mr. LEMBKEY. Yes; I see that.

The CHAIRMAN. Now, No. 8 is as follows:

The seal itself measured  $39\frac{1}{2}$  inches. The skin measures 33 inches and weighs 4 pounds  $3\frac{1}{2}$  ounces. That seal was found dead and was regarded by agents and natives as a runt yearling.

That is a correct statement, is it not?

Mr. LEMBKEY. So far as the age of the seal is concerned, I think it is. I picked it out.

The CHAIRMAN. Now, No. 9:

The skin is 34 inches long. The seal measured  $39\frac{1}{2}$  inches. The skin weighs 3 pounds 15 ounces. That also was regarded as a yearling.

These are skins that you had picked out and Dr. Evermann brought them before the committee?

Mr. LEMBKEY. Yes, sir.

The CHAIRMAN. They were salted when they were before the committee?

Mr. LEMBKEY. They were. I was not here when they were produced, but I saw them salted in the Fish Commission and also saw them salted on the islands.

The CHAIRMAN. You told the committee that you assisted in branding probably 4,000 small pups or more.

Mr. LEMBKEY. I assisted in branding those pups that were branded in 1912. The total of all branded was over 5,000.

The CHAIRMAN. Who ordered you to brand these pups?

Mr. LEMBKEY. So far as I can remember the instruction to brand these pups was contained in the instructions of Mr. Clark, from the Bureau of Fisheries. I have no distinct recollection now as to whether—yes, I am certain that the instructions to brand these pups were contained in those given to Mr. Clark by the Bureau of Fisheries.

The CHAIRMAN. Who gave him orders to go on the islands?

Mr. LEMBKEY. As I understand, his instructions were signed by the Commissioner of Fisheries and probably were viséed or indorsed by the Secretary of Commerce and Labor, although I do not remember having seen them.

The CHAIRMAN. Have you seen the instructions to him?

Mr. LEMBKEY. I have not seen his original instructions, so far as I can remember.

The CHAIRMAN. If I am not mistaken, you stated in the former hearings that branding was prohibited by an order issued in 1903.

Mr. LEMBKEY. I do not believe I made a statement of that character. If I did, I must have been mistaken, because as near as I can remember now there were a few seals branded in the fall of 1903. Branding was stopped in the year 1904—that is to say, no branding was done in the latter year—but it was not stopped as the result of any explicit direction to the officer in charge of the islands. The usual instructions to brand these seals or seal pups were omitted from the instructions of that year.

Mr. BRUCKNER. Why did they brand them?

Mr. LEMBKEY. They branded the female seals in order——

Mr. BRUCKNER (interposing). To distinguish the sexes?

Mr. LEMBKEY. To destroy as much as possible the value of the pelt in case that pelt got into the hands of the pelagic sealers. That was the idea.

The CHAIRMAN. My recollection is that you had your statement in writing and submitted it to the committee, and on page 425, near the middle of the page, I find this:

Thousands of nurslings were branded with at least one brand, and a large number with two and sometimes three brands. They continued, but with less rigor, until 1903, when stopped by order of the department.

Mr. LEMBKEY. Well, so near as I can remember the last branding occurred in 1903, but whether there was a direct order to stop branding or whether branding was stopped merely by the omission of an order to brand in the general instructions to the agent I can not now remember.

The CHAIRMAN. Why was it stopped, whether it was by order or otherwise?

Mr. LEMBKEY. I do not know just exactly why it was stopped. I do not believe it met with the approval of the officers who were then in charge of the Department of Commerce and Labor, and was omitted for that reason.

The CHAIRMAN. Then you do not know whether there is an order about it? I thought you knew.

Mr. LEMBKEY. So far as I can remember there was no direct order to stop the branding.

The CHAIRMAN. Was it your judgment that it was a bad thing to do, that is, to brand these pups?

Mr. LEMBKEY. Well, no; it was not my judgment that it was a bad thing particularly, but it was my judgment that no particularly good result accrued from the branding, so near as I could gather information on the subject.

The CHAIRMAN. In other words, no good would come from it?

Mr. LEMBKEY. That is the idea, exactly.

The CHAIRMAN. Now then, in 1912 you and Mr. Clark, and some others, branded small pups?

Mr. LEMBKEY. We did.

The CHAIRMAN. You branded them on the head?

Mr. LEMBKEY. Yes, sir.

The CHAIRMAN. Those were the seals that had just been born that season?

Mr. LEMBKEY. The pups of the year; yes, sir.

The CHAIRMAN. How did you brand them?

Mr. LEMBKEY. They were branded by the application of a hot iron on the head of the seal.

The CHAIRMAN. What kind of an iron?

Mr. LEMBKEY. It was an iron handle about 15 inches long and a piece of iron at right angles to the handle, perhaps  $2\frac{1}{2}$  inches long and a half inch wide. That piece of iron was heated in a gasoline forge and as soon as it become red hot it was applied to the head of the seals, as they were being held down by the natives.

The CHAIRMAN. Does the young seal or the young seal pup struggle when you do this?

Mr. LEMBKEY. Considerably. All seals struggle when they are held down.

The CHAIRMAN. Yes; that is only natural. Mr. Lembkey, the skull of a young seal is very thin, is it not?

Mr. LEMBKEY. Yes, sir.

The CHAIRMAN. As thin as paper, is it not?

Mr. LEMBKEY. As thin as thick paper; yes.

The CHAIRMAN. Did you ever see the skull of a young seal pup?

Mr. LEMBKEY. Yes, sir; many times.

The CHAIRMAN. It is almost transparent, is it not?

Mr. LEMBKEY. It is when it is thoroughly cleaned up.

The CHAIRMAN. And held up to the light?

Mr. LEMBKEY. Yes; it is semitransparent.

The CHAIRMAN. I asked Mr. Clark about the difference in weight between a seal a year old and a 2-year-old seal. What is your judgment about that?

Mr. LEMBKEY. I have not weighed many of those animals. For information on that point I should like to refer to the weights taken of those animals and presented by Dr. Evermann in his statement in hearing No. 10. I find that the weight of the entire animal of yearling age ranges from 33 to  $38\frac{1}{2}$  pounds; the weight of the 2-year-old animal ranges from  $47\frac{1}{4}$  to  $57\frac{1}{4}$  pounds.

The CHAIRMAN. Then there must be considerable difference in size?

Mr. LEMBKEY. There is difference in size; yes. There is difference in size of animals of the same age, as demonstrated by those weights.

The CHAIRMAN. I mean between yearlings and 2-year-olds.

Mr. LEMBKEY. Oh, yes; there is.

The CHAIRMAN. It can readily be seen, can it not?

Mr. LEMBKEY. As a general rule, yes; it can be readily seen. Of course, there are some very small 2-year-olds, and if they were placed alongside of very large yearlings it might be a little difficult for somebody to pick them out, but as a general thing there is little or no difficulty in picking them out.

The CHAIRMAN. Did you look over the London catalogues to see how many small pups and extra small pups were taken since 1890?

Mr. LEMBKEY. I have never looked over them for the purpose of casting up the exact number in all those catalogues; no.

The CHAIRMAN. From what you know, do you think that the number at 128,000 is correct?

Mr. LEMBKEY. Of small pups and extra small pups?

The CHAIRMAN. Yes.

Mr. LEMBKEY. Since 1890?

The CHAIRMAN. Yes.

Mr. LEMBKEY. That would give, on an average, perhaps 5,000 a year. Yes; I should say that was probably correct, in general terms.

The CHAIRMAN. Now, Mr. Clark stated that in 1909, when he was on the islands and made his report subsequent thereto, that you and the other Government agent or agents were overruled by the representatives of the company.

Mr. LEMBKEY. Overruled?

Mr. McGUIRE. Do you mean that was Mr. Clark's testimony?

The CHAIRMAN. Yes; something to that effect.

Mr. McGUIRE. I did not so understand it.

Mr. LEMBKEY. I do not think he made such a statement.

The CHAIRMAN. I may be mistaken, but I think he said there were five there and only two of you. I asked him how it happened that he stated they were in supreme control and he made that statement in that way.

Mr. LEMBKEY. He explained it by stating that they were in the majority of five to two.

The CHAIRMAN. I asked him why he made the statement in his report that the company's agents were in supreme control.

Mr. LEMBKEY. Yes; I remember him making that statement, but he did not make any statement to the effect that I or any other Government officer was overruled by any company officer in respect to any matter of authority up there. He could not have made such a statement.

The CHAIRMAN. But do you not think he meant to create that impression among the members of the committee?

Mr. LEMBKEY. I have not any idea what his meaning was but I am certain that no such condition of affairs could have prevailed at that time or at any other time during my presence there.

The CHAIRMAN. He told the committee that it was a case of five to two; that you men did your duty but that you were overruled by the superior numbers.

Mr. LEMBKEY. I do not remember his making the statement that we were overruled.

The CHAIRMAN. If I am mistaken about that it will be corrected, but I am asking you what your recollection is of that?

Mr. LEMBKEY. I do not remember his having made the statement that the Government officers were overruled up there.

The CHAIRMAN. You were there when he made this examination?

Mr. LEMBKEY. I was; I was in charge.

The CHAIRMAN. Did you know he was going to make such a report?

Mr. LEMBKEY. No, indeed.

The CHAIRMAN. Did you know that he was going to report that no seal was too small to be killed?

Mr. LEMBKEY. No, sir; I had no idea what his report would be.

The CHAIRMAN. And that he would state it was whirlwind sealing?

Mr. LEMBKEY. I did not know what he intended to place in his report.

The CHAIRMAN. Were you asked afterward to correct this report?

Mr. LEMBKEY. No, sir.

The CHAIRMAN. Did not Mr. Bowers write you a line and state that no doubt you had examined the Clark report now and were familiar with it?



Mr. LEMBKEY. He did.

The CHAIRMAN. You made a report and submitted it?

Mr. LEMBKEY. He asked me to give my views on such points in Mr. Clark's report as did not coincide with my views. However, I did not correct his report.

The CHAIRMAN. Well, then, you think his report was all right, do you?

Mr. LEMBKEY. I made certain comments upon his report which appear in Appendix A to these hearings.

The CHAIRMAN. Do you mean to say now that his report was all right?

Mr. LEMBKEY. I did not make such a statement at all.

The CHAIRMAN. Do you want to make it now?

Mr. LEMBKEY. I do not. I wish to state that the comments which I made on Mr. Clark's report of that year were according to my opinion, and I still continue to have the same opinion.

The CHAIRMAN. Did you have his report in your possession?

Mr. LEMBKEY. I did.

The CHAIRMAN. Where did you get it?

Mr. LEMBKEY. It was sent to me in the ordinary course of business.

The CHAIRMAN. Well, what was the ordinary course of business?

Mr. LEMBKEY. It was sent to me by a messenger in the Bureau of Fisheries who brought it up to my desk and laid it down there.

The CHAIRMAN. Did you get it from Mr. Bowers?

Mr. LEMBKEY. No, sir.

The CHAIRMAN. Well, did you get it from his bureau?

Mr. LEMBKEY. His bureau? Why, yes; he was in charge of the entire bureau.

The CHAIRMAN. Did you get it from the Secretary's office?

Mr. LEMBKEY. No, sir.

The CHAIRMAN. Are you sure about that?

Mr. LEMBKEY. Yes; I did not get it from the Secretary's office at all. The report was merely sent up to me, as all reports concerning seal fisheries would be sent up to me, to read before filing.

The CHAIRMAN. Was it marked and interlined when you got it?

Mr. LEMBKEY. Not to my recollection. I do not believe the original is interlined to-day.

The CHAIRMAN. Was it marked, I mean, and your attention called to certain things?

Mr. LEMBKEY. Not in any manner.

The CHAIRMAN. Will you just look at this and see whether it is Mr. Clark's report?

Mr. LEMBKEY. That seems to be it, from looking at the first page.

The CHAIRMAN. At page 46 of his typewritten field notes this clause appears:

A killing was made at Halfway Point as usual on the return trip. It yielded 32 skins. Fifteen animals—young bulls—too large for killing and 9 shaved heads were exempted, but no small seals whatever. As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than 5 pounds weight are taken and also skins of 8 and 9 pounds. These latter are plainly the animals which escaped the killing of last year because their heads were shaved. Otherwise it does not seem clear how they did escape.

This is all inclosed in lead pencil and there is a question mark at the side. Then here is a slip which contains these words:

Department of Commerce and Labor, office of the Secretary. This is the particular statement. R. M. P. J.

I will ask you whether you saw this [indicating]?

Mr. LEMBKEY. That is the handwriting and the initials of Mr. Pindell, so near as I can tell.

The CHAIRMAN. Who was he?

Mr. LEMBKEY. He was the chief clerk of the department.

The CHAIRMAN. Did you have this before you when you examined this report?

Mr. LEMBKEY. I do not remember that at all; I have not the faintest recollection of it.

The CHAIRMAN. You saw the question mark there, did you not?

Mr. LEMBKEY. I see it now; yes.

The CHAIRMAN. Do you still say you got it from the bureau or got it from the department?

Mr. LEMBKEY. I got it from the bureau; yes, sir. I have no recollection whatever that those marks were upon it, and to my recollection I never saw that note.

The CHAIRMAN. This was sent up to the committee just as it is there. You have no idea that it is not correct, have you?

Mr. LEMBKEY. I have not any idea that it is not correct; no, sir.

The CHAIRMAN. Did Bowers call your attention to this?

Mr. LEMBKEY. I am certain he did not; I do not remember it at all.

The CHAIRMAN. Your answer was that that was not a correct statement, because the weights of the skins would show as they were reported here in the bureau.

Mr. LEMBKEY. I should have to read that particular statement carefully before I would make a further statement with my answer.

The CHAIRMAN. Let the committee know what your answer was to the bureau in response to this paragraph.

Mr. LEMBKEY. I do not believe I reported on that particular paragraph, so far as I can remember.

The CHAIRMAN. Let me refresh your recollection. I can not just lay my hands on it——

Mr. LEMBKEY (interposing). I am trying to get Mr. Clark's report so I can read it.

The CHAIRMAN. But my recollection is that you stated the weights of the skins disproved this.

Mr. LEMBKEY. Disproved?

The CHAIRMAN. Yes; Clark's statement.

Mr. LEMBKEY. The statement that you referred to, Mr. Chairman, if I remember correctly, refers to a killing at Halfway Point. Is that the case?

The CHAIRMAN. I can not tell you.

Mr. LEMBKEY. I have forgotten now the text of that which you read a moment ago.

Mr. McGUIRE. That is what it says; at Halfway Point.

Mr. LEMBKEY. It stated that a few seals were killed, a few were turned away, but that no small seals were dismissed. Was not that the gist of the statement he made?

The CHAIRMAN. You know what I read to you.

Mr. LEMBKEY. I can not remember the text. I should like——

The CHAIRMAN (interposing). This is the original report.

Mr. LEMBKEY. May I ask the date of that?

The CHAIRMAN. This was filed September 30.

Mr. LEMBKEY. The date of the field note to which you referred?

The CHAIRMAN. July 23; at least 24 is the next.

Mr. LEMBKEY. Is this the sentence to which you had reference, "As the end of the killing season approaches it is plain that no seal is really too small to be killed"?

The CHAIRMAN. Yes.

Mr. LEMBKEY. I could not agree with Mr. Clark on that point. "Skins of less than 5 pounds weight are taken and also skins of 8 and 9 pounds." That is literally correct. We occasionally got skins weighing slightly less than 5 pounds and we also occasionally got a skin which weighed more than  $8\frac{1}{2}$  pounds.

The CHAIRMAN. Let me see what you answer in your report is to this paragraph?

Mr. LEMBKEY. I have it here. I am reading now from page 903 of Appendix A to these hearings, from the criticism which I made of this report of Mr. Clark's for 1909. In that I stated as follows:

When Mr. Clark states on page 50 that the killing ranged from 4-pound skins to  $14\frac{1}{2}$ -pound skins, he is literally correct, but conveys an entirely wrong impression by his statement. There was one 4-pound skin taken and one 14-pound skin taken. These were taken by accident by the natives in food drives.

The CHAIRMAN. Please adhere to the answer you made to this paragraph.

Mr. LEMBKEY. I do not remember that I answered that paragraph in particular, Mr. Chairman. I do not believe I made any answer to that in particular.

The CHAIRMAN. That is all so far as the chair is concerned.

Dr. EVERMANN. When the Elliott-Gallagher report appeared and I looked it over it seemed to me that I would like to come before the committee and make a reply to some of the statements made in that report, but after listening to the testimony given by Mr. Clark and Mr. Lembkey I find they have covered practically all of the important points that I had in mind, and in view of that fact I do not think it necessary for me to say anything.

Thereupon a recess was taken until 2 o'clock p. m.

# INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EXPENDITURES IN  
THE DEPARTMENT OF COMMERCE,  
*Tuesday, March 10, 1914.*

The committee met at 10.30 o'clock a. m., Hon. John H. Rothermel (chairman) presiding.

Present: Mr. Stephens, Mr. Watkins, Mr. Bruckner, Mr. Walsh, and Mr. McGuire.

## TESTIMONY OF MR. ANDREW F. GALLAGHER.

(The witness was duly sworn by the Chairman).

The CHAIRMAN. What is your full name?

Mr. GALLAGHER. Andrew F. Gallagher.

The CHAIRMAN. Where do you live?

Mr. GALLAGHER. Washington, D. C.

The CHAIRMAN. What is your occupation?

Mr. GALLAGHER. Court reporter.

The CHAIRMAN. Do you sometimes report for committees?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. And you are a stenographer?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. State whether you accompanied Mr. Henry W. Elliott to the seal islands last summer.

Mr. GALLAGHER. I did.

The CHAIRMAN. That was pursuant to a resolution passed by the committee?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. You went along as an expert stenographer?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. You may first tell, in a general way, about your trip to the islands, and then I will ask some questions in detail.

Mr. GALLAGHER. I left here on June 22 and left Seattle on the 1st of July, arriving at Onimak Pass at about 2 o'clock on the morning of the 7th of July.

Mr. BRUCKNER. What year?

Mr. GALLAGHER. 1913. We were there taken on board the revenue cutter *Tahoma* and arrived off St. Paul Island on the afternoon of July 8. On the morning of July 9, after breakfast, we landed on St. Paul Island. We spent that day in preliminary matters, getting our outfits together, and going around the island, without doing any actual work on that day. On the 10th of July we started out on our count or estimate of the seals on the rookeries. We spent the 10th, 11th, and 12th on the rookeries nearest to the village on St. Paul Island and on the afternoon of the 14th we were taken on board the

revenue cutter *Tahoma* and taken around to Northeast Point, which is the farthest rookery from the village. On the 15th we made an estimate of the seals on Northeast Point and Polavina rookeries. That completed the rookery work on St. Paul Island. We then went to St. George Island and made an estimate of the seals on the rookeries on St. George Island and also went over the daily logs that were kept by the agent on the island and made notes from them. We then returned to St. Paul Island and we made an examination of the houses of the natives, and we spent a great deal of time going over the daily logs kept there by the agents. We had several meetings of the natives whereby we took their statements as to the method by which the work had been done on the island.

The CHAIRMAN. You took their statements and you attested them, I think?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. That is, attested to the notes?

Mr. GALLAGHER. Yes, sir; we had a transcript made of their testimony—that is, the testimony given by the natives—which transcript was afterwards read by the assistant priest, who acted as interpreter for us, to the natives, and they then signed these statements.

The CHAIRMAN. How were these statements elicited from the natives? Were there leading questions asked or just questions put to them in a general way?

Mr. GALLAGHER. Mr. Elliott had prepared in advance certain questions to be asked of the natives, and——

The CHAIRMAN (interposing). Are they noted in your report?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. Then they will speak for themselves?

Mr. GALLAGHER. Yes. They were interpreted to the natives by George Kochergin. He is the interpreter to whom I referred.

Mr. BRUCKNER. He interpreted every question that you asked?

Mr. GALLAGHER. He seemed to be about the brightest man on the island among the natives.

Mr. BRUCKNER. Was he a native?

Mr. GALLAGHER. Yes; and he had spent some time in San Francisco, and he acts now as assistant priest on the island.

The CHAIRMAN. Is he the one who did the interpreting?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. He was interpreter and priest?

Mr. GALLAGHER. He is the assistant to the priest; he acts as a sort of deacon.

Mr. STEPHENS. Where is he now?

Mr. GALLAGHER. He is still on the island, I believe. He was when we left there.

The CHAIRMAN. Who was there on the islands?

Mr. GALLAGHER. You mean the Americans, I suppose?

The CHAIRMAN. Yes.

Mr. GALLAGHER. Mr. Lembkey, his wife and daughter; Mr. Tongue; Dr. McGovern; Mr. Whitney, and his wife, the school teacher. They were the only white people on the island when we arrived there.

The CHAIRMAN. Mr. Clark was there?

Mr. GALLAGHER. Mr. Clark and Mr. Chamberlain, and Mr. Clark's son Donald, and Mrs. Chamberlin, arrived later, after we had been

on the island. They arrived on the 14th of July and we arrived on the island on the 9th; we actually landed on the 9th.

The CHAIRMAN. Were you there when the 400 seals that are spoken of in the testimony were killed?

Mr. GALLAGHER. No, sir; but I understand they were killed on the 7th; two days before we arrived.

The CHAIRMAN. Did you see the skins?

Mr. GALLAGHER. I saw the skins; yes, sir.

The CHAIRMAN. Where did you see them?

Mr. GALLAGHER. In the salt house.

The CHAIRMAN. And when?

Mr. GALLAGHER. On the 29th day of July, when we went down to measure them and weigh them.

The CHAIRMAN. When did you say they were killed?

Mr. GALLAGHER. They were killed on the 7th, I am told; the 7th of July.

The CHAIRMAN. What shape were they in when you saw them first?

Mr. GALLAGHER. They were buried in the salt when we went into the kench house, and they were extracted from the salt by the natives, and in pursuance to the form of procedure which Mr. Elliott had prepared, and which he had the same interpreter read to the natives, they were taken from the salt by the natives and bundled.

Mr. STEPHENS. What day of the month was it that you took them out and examined them?

Mr. GALLAGHER. That was the 29th of July, I believe. The report shows it definitely.

The CHAIRMAN. You say they were in salt. How were they in salt; were they in a box?

Mr. GALLAGHER. No; buried in loose salt.

The CHAIRMAN. And the natives would pull them out and shake the salt off?

Mr. GALLAGHER. Yes; and put them on a table before us. And Mr. Elliott and Mr. Hatton measured them, and Mr. Hatton would then put them on the scales and he would weigh them, and I would verify his weights, and we would call off the weights. I would take the weights down.

Mr. McGUIRE. Who is Mr. Hatton?

Mr. GALLAGHER. He is now——

Mr. McGUIRE (interposing). Who was he then?

Mr. GALLAGHER. He was then the agent on the island, the agent who came to take Mr. Lembkey's place. He had theretofore been located on St. George Island.

The CHAIRMAN. Now, Mr. Gallagher, just describe more in detail how you were located there and who was there participating in the weighing and measuring of the skins.

Mr. GALLAGHER. There were five of us who really took part in that work, Mr. Whitney, Mr. Clark, Mr. Hatton, Mr. Elliott, and myself.

The CHAIRMAN. Just describe how it was done and how you were located—whether you were at a table, or how.

Mr. GALLAGHER. There was a table there, a long, rough board table. The natives extracted these sealskins from the loose salt and they would put a long skin on the table and Mr. Elliott and Mr. Hatton would measure that skin, calling off the number of the skin,

which was indicated by a leather tag, which tag was attached to the skin. Mr. Whitney——

Mr. STEPHENS (interposing). Were these tags numbered?

Mr. GALLAGHER. Yes, sir. Mr. Whitney had a record of Mr. Lembkey's weights which were taken green, that is, before they were put in the salt. And Mr. Whitney would then call off Mr. Lembkey's green weights, Mr. Clark would take a note of that, and so would I. Then the natives would take a somewhat smaller skin and place it on top of this skin which had been weighed, and they would put this smaller skin, flesh to flesh, on top of the bigger skin, and then bundle it. Mr. Hatton would then put the bundle of skins on the scales and weigh it, and I verified those weights, and either he or I would call off the weights, and Mr. Clark would note down those weights, and so would I.

The CHAIRMAN. Did they take the larger skin and smaller skin and bundle them together?

Mr. GALLAGHER. Yes, sir; and that is when the weights were taken.

Mr. BRUCKNER. They were weighed in pairs?

Mr. GALLAGHER. They were bundled and then weighed; yes, sir.

The CHAIRMAN. At that time Mr. Elliott, Mr. Whitney, Mr. Clark, you, and somebody else, were all together?

Mr. GALLAGHER. And Mr. Hatton; yes, sir.

The CHAIRMAN. And the weights and sizes were called out?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. Did you compare notes at the time as to correctness?

Mr. GALLAGHER. Well, I verified Mr. Hatton's weights, and if at any time there was any doubt as to the measurement as called off by Mr. Hatton, sometimes Mr. Clark would ask me what it was, and sometimes I would ask him, and we checked notes in that way and made them agree.

The CHAIRMAN. Did you have any disagreement about anything at any time with Mr. Clark?

Mr. GALLAGHER. In the salt house?

The CHAIRMAN. Yes.

Mr. GALLAGHER. Only at the very beginning of the proceedings that day. Mr. Clark took exception to the scales on which we were to weigh the skins, claiming that they were not fine enough.

The CHAIRMAN. What was done then?

Mr. GALLAGHER. Mr. Elliott wanted a larger pair of scales, and it seemed, from Mr. Elliott's statement, that the matter of fractions of ounces did not make any difference. So we got the larger scales and weighed them on the larger scales.

Mr. BRUCKNER. Who owned the scales?

Mr. GALLAGHER. They were taken from the storehouse on the island.

Mr. BRUCKNER. Who owned them? Whose property were they?

Mr. GALLAGHER. The Government's property, as far as I know.

The CHAIRMAN. State whether you noted any blubber on some of the skins.

Mr. GALLAGHER. I did; yes, sir.

The CHAIRMAN. I wish you would describe that in your own way without having me ask you any questions in detail.

Mr. GALLAGHER. When I went to the salt house that morning with Mr. Elliott, I went there with the expectation that we were to take



these weights in order to determine whether or not the addition of salt added to the weight of the sealskin, and I had nothing in regard to the blubbering of the skins in mind at the time, but as we went along I made a mental note of the fact that there were discrepancies; that is, because a skin was of a larger length did not seem to indicate that it would weigh more than a skin of shorter length. My attention was not called to this condition, but I could not help noticing that some of the skins were thicker in blubber than others, and to me it seemed that that was the cause of the difference.

The CHAIRMAN. Which skins were thicker in blubber, the short ones or the long ones?

Mr. GALLAGHER. The short ones.

The CHAIRMAN. Did you notice that?

Mr. GALLAGHER. Yes, sir; I noticed that.

The CHAIRMAN. How was your attention attracted to this? Did Mr. Elliott call your attention to it or anybody else?

Mr. GALLAGHER. No, sir; he did not call my attention to it, nor did anyone else call my attention to it. As I say, I noticed, as we went along, that the fact that a skin was longer was no assurance that it was going to weigh more than a shorter skin. Then I began to notice the fact that some of the skins were cleaner than others.

Mr. STEPHENS. Which were the cleaner ones—the larger ones or the smaller ones?

Mr. GALLAGHER. The larger ones were cleaned off pretty well.

Mr. BRUCKNER. How thick was the blubber on some of them?

Mr. GALLAGHER. I would not like to put it in dimensions.

Mr. BRUCKNER. But there was——

Mr. GALLAGHER (interposing). There was blubber as thick as my finger on some of them.

The CHAIRMAN. There was something said before the committee about Mr. Clark insisting on measuring the girth—is that correct or not?

Mr. GALLAGHER. I never heard Mr. Clark mention the girth measurement, and I am particularly positive of that, because when I had an opportunity to read Mr. Clark's report on this season's work on the islands, I saw that he made reference to the fact that we did not take the girth measurement, and that seemed to me to be a pretty good point on the surface, so I mentioned that fact to both the Chairman and Mr. Elliott. But that was called to my mind for the first time on reading his report. That was the first time I had ever heard of it.

Mr. BRUCKNER. You are positive of that?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. One more question about this matter of weights. Did you notice the difference, so far as percentage is concerned, in some of the sizes of the skins that were taken and noted in your report?

Mr. GALLAGHER. Yes, sir. I was looking over this report last night, and I noted two in particular. Skin No. 4275, which is 32 inches long, weighed 8 pounds 7½ ounces, and skin No. 4225, which is also 32 inches long, weighed 4 pounds 1½ ounces. There are two skins of the same length, and there is a difference of slightly over 100 per cent in the weights. Now it seems to me that even if there was a difference in the girth measurements no such possible difference

could make up for 100 per cent of difference in the weight of the entire skins.

The CHAIRMAN. How do you account for that?

Mr. GALLAGHER. It must be due to the blubber on the skin.

The CHAIRMAN. It seems to me that Mr. Clark stated that at one place where he saw 18 bulls that you said there were 38. Can you explain that?

Mr. GALLAGHER. I read that statement in Mr. Clark's testimony, and I have no doubt that Mr. Clark and I agreed that there were 18 bulls when he said we did. We had many conversations that day, although I do not remember that particular one. But my method of procedure was to go over these places, as designated on Mr. Elliott's chart, and count them or estimate them. I actually counted them whenever possible. Mr. Clark said that he asked me whether at a certain place there were 18 bulls and that I replied there were, but that my report shows 38 bulls. I think Mr. Clark did not know my method of procedure. I would go along and take these designated places on Mr. Elliott's chart, and if I counted 18 bulls there, and I saw several more harems down there, I would walk along and count 6 there, which would make 24 in my mind, and I would walk down a little farther, and if I saw 6 there that would make 30 in my mind, and if, when I got down to the end of that particularly designated place on the chart, I saw 8 more, that made 38, and at that time I made the note. I think that will explain Mr. Clark's mistake in regard to that particular thing.

The CHAIRMAN. In other words, you think it was a difference of locality and space on which these different animals were found? That while he counted them on one spot you had more spots added to your count?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. I do not know whether the committee will want him to change his statement or not, but it assumes that Mr. Clark made a mistake.

The CHAIRMAN. No.

Mr. McGUIRE. Yes; he said, "that will explain Mr. Clark's mistake."

The CHAIRMAN. I do not think he means that.

Mr. McGUIRE. I do not think he does, either.

The CHAIRMAN. It is a difference of opinion between the two as to—

Mr. GALLAGHER (interposing). That is what I meant to imply, that he did not understand the method by which I was working. I do not doubt that Mr. Clark's statement is entirely correct, that at that particular place there were 18 bulls and that I agreed with him that there were 18 bulls. But I just do not think he knew my method of carrying them in my mind until I finished a certain spot there.

The CHAIRMAN. Did you see the Carlisle rules?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. You and Mr. Elliott examined a number of documents there and you attested them as correct?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. Are they all correct as you have noted them in your report?

Mr. GALLAGHER. They are, to the best of my knowledge and belief.

The CHAIRMAN. I notice that you have a certificate as to the correctness of the documents as you saw them?

Mr. GALLAGHER. Yes.

The CHAIRMAN. While the counting was going on, you merely took the notes and——

Mr. GALLAGHER (interposing). Mr. Elliott and I estimated the number of seals at the places designated on his chart, and as he finished each place Mr. Elliott dictated a sort of description of that particular place.

The CHAIRMAN. And you took the notes in doing this?

Mr. GALLAGHER. Yes, sir; and in that particular description we used the figures as shown at that particular rookery.

The CHAIRMAN. You did not go there as an expert on seals and their history, but simply as an expert stenographer?

Mr. GALLAGHER. That is correct.

The CHAIRMAN. That is what the record shows, that he is not an expert on the herds of seals, and so on.

Mr. STEPHENS. In weighing the skins you say the smaller one was put on the larger one?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. That twine was added to them and they were tied up together?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Was the flesh of those skins put together?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. And the fur left on the outside?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Were these bundles untied or was the salt left between the skins?

Mr. GALLAGHER. The salt was left between the skins as they were bundled.

Mr. STEPHENS. Then when did you discover that blubber was on the sealskins?

Mr. GALLAGHER. The skins were loose in the first place.

Mr. STEPHENS. They were loose in the first place when they were weighed?

Mr. GALLAGHER. They were not weighed separately. They were loose in the first place, and were extracted from the loose salt by the natives.

Mr. STEPHENS. Was the salt shaken off of them then?

Mr. GALLAGHER. Yes; and afterwards there were several handfuls of salt thrown on the skins; that is, before they were bundled.

Mr. STEPHENS. What I was trying to get at particularly was the way you handled them. As I understand it, they were all packed together; and you would take out a small skin and shake the salt from that skin, and then take a large skin and shake the salt from it, and put the flesh sides together.

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Then tie twine around them, and those two skins would be weighed together?

Mr. GALLAGHER. Yes, sir; and before they were tied together there were several handfuls of salt thrown on the different skins by the natives.

Mr. STEPHENS. Between the two?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Did that add to the weight materially?

Mr. GALLAGHER. Yes, sir; it did add to the weight.

Mr. STEPHENS. The amount of salt that was placed between the two skins?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. How much would be placed there—could you tell?

Mr. GALLAGHER. No; it was a very indefinite amount; the natives would take a handful or two and throw it on.

Mr. STEPHENS. What would be the weight, if any, of the string or twine?

Mr. GALLAGHER. That question was raised by Mr. Clark. I did not see it, but Mr. Elliott told me that he and Mr. Hatton later put the string on the scales and that it did not affect the scales at all; it did not move them. The string, I believe, was 10 feet long. I did not measure it, but I was told that.

Mr. STEPHENS. Do you know what size twine it was, and the material of it—was it cotton?

Mr. GALLAGHER. It was about as thick as this [indicating]; that is about the same kind of string.

Mr. STEPHENS. Soft jute?

Mr. GALLAGHER. Yes, sir. It may have been a little harder than that, but not much.

Mr. STEPHENS. You did not see it weighed, though?

Mr. GALLAGHER. No, sir.

Mr. STEPHENS. You say that you investigated to some extent the difference between the weight of the green hides and the weight of the salted hides, as you have just described?

Mr. GALLAGHER. In this way: Mr. Whitney, who had Mr. Lembkey's green weights, would call those off, and he had to call two of those off to make a bundle, and when the bundle was weighed it showed a greater weight than the two individual weights of Mr. Lembkey's green skins.

Mr. STEPHENS. Does the salted skin weigh more than the green skin?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. About how much?

Mr. GALLAGHER. That varied. We have the figures here in the report.

Mr. STEPHENS. Did you estimate the percentage from the pounds or the percentage from the ounces?

Mr. GALLAGHER. No, sir; I did not do that.

Mr. STEPHENS. But you know they weighed more?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Mr. Gallagher, you were not in the classified service when you went up there?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Who selected you?

Mr. GALLAGHER. The chairman of the committee.

Mr. McGUIRE. You stated, I believe, you went only as an expert stenographer?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You had never been on the islands before?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Had you ever had any experience with seals or sealskins before?

Mr. GALLAGHER. Not at all.

Mr. McGUIRE. Your position, then, was simply to do whatever was necessary to be done in the way of taking notes as an expert stenographer?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And whatever else there might be in connection with your work as the assistant of Mr. Elliott?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Now, what date did you say you landed on the islands?

Mr. GALLAGHER. We actually landed on St. Paul Island on the morning of July 9, 1913.

Mr. McGUIRE. Who went with you or with whom did you go to the islands? Were you and Mr. Elliott in each other's company?

Mr. GALLAGHER. Yes, sir; Mr. Elliott and I went with several officers from the revenue cutter *Tahoma*. We landed at the same time.

Mr. McGUIRE. Did you leave Washington together?

Mr. GALLAGHER. No.

Mr. McGUIRE. Where did you meet Mr. Elliott?

Mr. GALLAGHER. In Seattle?

Mr. McGUIRE. Did you have any scientific works on seals and seal fishing which you studied prior to the time that you went there?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. You gave it no attention whatever?

Mr. GALLAGHER. No, sir. I had Mr. Elliott's monograph on the Seal Islands. I also had a complete set of the hearings which had theretofore been held by this committee, and in addition I myself reported stenographically at least two sessions of this committee.

Mr. McGUIRE. Whatever information you had, then, was received from Mr. Elliott on your way to the islands and before you reached the islands?

Mr. GALLAGHER. Yes, sir; largely.

Mr. McGUIRE. Now, the first thing you did was to proceed to count the seals. Is that right?

Mr. GALLAGHER. To estimate them; yes, sir.

Mr. McGUIRE. What did you do the first day in that particular?

Mr. GALLAGHER. The first day we started at about 5 o'clock in the morning and went to the nearest rookery to the village.

Mr. McGUIRE. Where did you start from?

Mr. GALLAGHER. From the Government house in the village.

Mr. McGUIRE. You stayed at the Government house while there?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Slept there?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Ate there?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. How far was this rookery of which you have spoken from the Government house?

Mr. GALLAGHER. I should think the nearest portion of the rookery was between half a mile and three-quarters of a mile.

Mr. McGUIRE. And you went to the nearest portion?

Mr. GALLAGHER. Yes, sir; we started for the nearest portion, yes, sir; and then we worked all around the rookery.

Mr. McGUIRE. Now, let us see. You started at the nearest point to estimate the number of seals. Is that right?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Who was with you?

Mr. GALLAGHER. Mr. Elliott.

Mr. McGUIRE. Just yourself and Mr. Elliott?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Were there other Government agents on the island at that time?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And natives?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Persons skilled in counting seals and the treatment of seals in general?

Mr. GALLAGHER. I suppose they were; yes, sir.

Mr. McGUIRE. But no one went with you?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Do you remember how many you counted the first day?

The CHAIRMAN. I believe it is in the record.

Mr. McGUIRE. I suppose it is.

Mr. GALLAGHER. I can not recall it.

Mr. McGUIRE. Well, if you can not turn to it readily, that is all right. You do not recall approximately how many you counted the first day?

Mr. GALLAGHER. I do not think I could do that, Mr. McGuire.

Mr. McGUIRE. Did you count the second day?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And the third day?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. On the same island?

Mr. GALLAGHER. On the same island, but different rookeries.

Mr. McGUIRE. I understand. And how many days did it take you to finish one island; that is, finish the counting, I mean?

Mr. GALLAGHER. We finished the rookery work on St. Paul Island in four days of actual work on the rookeries.

Mr. McGUIRE. Was there other counting besides the rookery work?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Then you mean to say you finished counting on St. Paul Island in four days?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Did you have any assistants, besides yourself and Mr. Elliott, during the four days in the counting?

Mr. GALLAGHER. Not on three of the days, but on the fourth day Mr. Clark and Mr. Whitney and Mr. Clark's son, Donald, were present. They made a count of their own at that time.

Mr. McGUIRE. You were not counting at that time jointly, but individually; that is, you and Mr. Elliott were in one group, and the other parties whom you have mentioned were in another group?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. In other words, your work was entirely independent; you and Mr. Elliott were counting independently of them and they of you?

Mr. GALLAGHER. Yes, sir; although Mr. Clark and I had many conversations, as I stated before, as to the different number of seals here and there.

Mr. McGUIRE. Do you remember how many seals you estimated on St. Paul Island in the four days?

Mr. GALLAGHER. I can find that from the report.

Mr. McGUIRE. Well, the report will show?

Mr. GALLAGHER. The report will show those figures; yes, sir.

Mr. McGUIRE. Did you count the pups?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. I mean the pups born in 1913.

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Did you make any effort to count them?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Was anything said to you about counting the pups by Mr. Elliott or anyone else?

Mr. GALLAGHER. Yes; he spoke of the futility of counting pups.

Mr. McGUIRE. Just what did he say to you about it?

Mr. GALLAGHER. Well, he seemed to think it was an impossible proposition to count them.

Mr. McGUIRE. Did he state to you that he believed it impossible to count the pups?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And you got that impression from Mr. Elliott?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Of your own knowledge you were not sufficiently skilled in that work to know whether that work could be done or not?

Mr. GALLAGHER. No, sir; except that from some of the cliffs and some of the places in which I saw the seals there, I would not think it would be possible.

Mr. McGUIRE. Then you did not think it possible to count the pups; is that right?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. From your experience there?

Mr. GALLAGHER. Yes, sir; not on those rookeries, no, sir.

Mr. McGUIRE. You do not know whether they were counted by others?

Mr. GALLAGHER. I do not; but I have heard that Mr. Clark counted them.

Mr. McGUIRE. Well, do you think you made a reasonably accurate count of the seals on that island—St. Paul Island?

Mr. GALLAGHER. I think we made a good, common-sense estimate of the number of seals on the island.

Mr. McGUIRE. You regard it only as an estimate?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. That is, if there were half the older seals at sea when you made the estimate you were unable to reach them except by an estimate; is that right?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You, of course, had no conception of how many were at sea?



Mr. GALLAGHER. No, sir; I had not.

Mr. McGUIRE. Now, after you finished the count on St. Paul Island, what did you do?

Mr. GALLAGHER. We then took the revenue cutter *Tahoma* and went to St. George Island.

Mr. McGUIRE. Who went with you? Whom do you mean by "we"?

Mr. GALLAGHER. Mr. Elliott and myself.

Mr. McGUIRE. Anybody else?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Any of the natives?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Any of the Government employees?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. What did you do after you reached St. George Island?

Mr. GALLAGHER. After we got to St. George Island—we arrived in the village toward noon, and after lunch Mr. Elliott and I went over the daily log as kept by the agents on that island, taking extracts therefrom. We also inspected the houses of the natives on that afternoon.

Mr. McGUIRE. What do you mean by "extracts?" Do you mean to say you did not take complete notes?

Mr. GALLAGHER. We did not take everything that was in the books; no, sir. But Mr. Elliott dictated notes from different pages as noted in those books.

Mr. McGUIRE. Did you examine everything in the books?

Mr. GALLAGHER. Mr. Elliott had the books and he dictated to me.

Mr. McGUIRE. Do you know whether he examined everything in the books?

Mr. GALLAGHER. I do not know; no, sir.

Mr. McGUIRE. But he dictated to you such notes as you took at that time?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. But you did not make a complete notation of the entire log?

Mr. GALLAGHER. Oh, no; no, sir.

Mr. McGUIRE. Then what did you do, after taking those notations from the logs?

Mr. GALLAGHER. We spent the afternoon in doing that and inspecting the natives' houses, and the next day we started out about 5 o'clock in the morning, between half past 4 and 5 o'clock, and——

Mr. McGUIRE (interposing). Who was with you?

Mr. GALLAGHER. Mr. Elliott and I, accompanied by Mr. Proctor and Mr. Hatton, Mr. Hatton being on St. George Island at that particular time.

Mr. McGUIRE. Who was Mr. Proctor?

Mr. GALLAGHER. Mr. Proctor is the Government agent in charge of St. George Island now.

Mr. McGUIRE. And Mr. Hatton was the successor of Mr. Lembkey?

Mr. GALLAGHER. Yes, sir; he is his successor, I believe.

Mr. McGUIRE. Now you may go ahead.

Mr. GALLAGHER. We then started on the rookery work of St. George Island and completed the rookery work on that island about 7.30 in the evening of that day.

Mr. McGUIRE. Do you know how many seals you estimated to be on that island?

Mr. GALLAGHER. Those figures are also in our report; I could not give them offhand.

Mr. McGUIRE. Did you make the estimate in one day?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Did you make any effort there to count the pups?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. You made your estimate in very much the same way that you made it on St. Paul Island?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And finished in one day?

Mr. GALLAGHER. Yes, sir. That was a long day, however, from about half past 4 in the morning until 7.30 in the evening.

Mr. McGUIRE. The days were long at that season of the year there, were they not?

Mr. GALLAGHER. Yes; very long.

Mr. McGUIRE. Then what did you do, after having made your estimate there? In other words, how long did you remain on that island?

Mr. GALLAGHER. We finished that and boarded the revenue cutter again. That was on Friday evening and the revenue cutter got us back to St. Paul Island late Saturday evening.

Mr. McGUIRE. Then what did you do?

Mr. GALLAGHER. I believe I spent all day Sunday going over the notes I had taken up to that time, and on the following days we spent the time in going over the logs of St. Paul Island.

Mr. McGUIRE. What did you do with the logs?

Mr. GALLAGHER. We did the same thing on St. Paul Island as we did on St. George Island, that is, Mr. Elliott went through the logs and dictated notes here and there from them.

Mr. McGUIRE. You took such notes from the logs of each island as Mr. Elliott dictated?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. After you had finished that work what did you do?

Mr. GALLAGHER. We examined the natives' houses; spent one day on that.

Mr. McGUIRE. What do you mean by examining the natives' houses—to determine the condition of repair, and so farth?

Mr. GALLAGHER. Yes, sir. We went in and interrogated the natives as to the condition of the houses and if they were satisfied.

Mr. McGUIRE. How many days did you spend on that?

Mr. GALLAGHER. One day.

Mr. McGUIRE. Just what did you do?

Mr. GALLAGHER. Then we also had these meetings of the natives in which we took their statements.

Mr. McGUIRE. Who was present at those meetings?

Mr. GALLAGHER. Mr. Elliott and I were the only Americans.

Mr. McGUIRE. Did you invite the other Americans there?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. In addition to Mr. Elliott and yourself, you had an interpreter?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Was it necessary to talk through an interpreter to the natives?

Mr. GALLAGHER. I believe it was in a matter of that kind, yes, sir.

Mr. McGUIRE. Why in a matter of that kind any more than in any other matter?

Mr. GALLAGHER. Well, I do not think they could understand English well enough to understand these questions. I think you could go on the street corner and make yourself understood to them, but when it came to putting certain questions to them and requiring certain answers, I believe it would be better to have an interpreter to interpret those questions to them.

Mr. McGUIRE. Your idea from your experience, then, was that they had not a sufficient understanding of the English language—that they might not get a correct understanding of the interrogatories—is that your idea?

Mr. GALLAGHER. I think some of them, at least, would have been unable to understand them.

Mr. McGUIRE. Do you think there were those who could have safely interpreted the English language?

Mr. GALLAGHER. I do not think I got to know the natives well enough to be qualified to answer that.

Mr. McGUIRE. But you did not undertake to interrogate them at any time, or any of them, without the interpreter?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Is that true?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And during your entire examination—that is, the examination made by Mr. Elliott, of which you took notes—you used the interpreter regardless of whether they could or could not talk English; is that true?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Were you there when they had a meeting, made a statement, and requested Mr. Elliott to take that statement?

Mr. GALLAGHER. When who requested?

Mr. McGUIRE. Were you there when the natives had a meeting, made a statement, and offered that statement to Mr. Elliott?

Mr. GALLAGHER. I do not recall that. We had three meetings, and those are the only statements that I know of.

Mr. McGUIRE. You do not know whether they did get together,—that is, the natives—and agree upon the facts elicited by Mr. Elliott's questions, and that they offered that statement to Mr. Elliott while there? Do you know whether that was done?

Mr. GALLAGHER. Oh, I think I understand what you are after. The interpreter would read these questions to the natives, then instead of one native immediately responding to that question, they would get their heads together and talk in Aleut, and then after they had finally come to some understanding among themselves they would give their answer to the interpreter, who would interpret it, and I would put it down.

Mr. McGUIRE. Did you and Mr. Elliott take all the statements and every statement tendered you by the natives with respect to the matters about which they had been interrogated?

Mr. GALLAGHER. We took down everything which purported to be an answer to the question that was directed to them.

Mr. McGUIRE. There were answers that you did not take down—is that right?

Mr. GALLAGHER. They would——

Mr. McGUIRE (interposing). I will put that a little differently. Were there statements made to you that you did not take down?

Mr. GALLAGHER. There would be a statement to this effect——

Mr. McGUIRE (interposing). I mean any statements made to you that you did not take, and then you may explain.

Mr. GALLAGHER. No; I would not say that there were.

Mr. McGUIRE. Would you say there were not?

Mr. GALLAGHER. Yes, sir; and I would like to explain that

Mr. McGUIRE. Certainly. Go ahead.

Mr. GALLAGHER. The interpreter would take these questions and sometimes he would not understand every word in the question, and that was explained to him.

Mr. McGUIRE. He would not understand Mr. Elliott's question?

Mr. GALLAGHER. Every particular word, you know. He would have a general idea, but some particular word would seem to confuse him a little, or, at least, he would not understand, and he would ask for information about that. Of course that was not taken down. Sometimes, after he had put the question to the natives and the natives, conferring among themselves, one of them might make a statement partly in English and partly in Aleut to the interpreter, but I did not take that down. I waited until they had finally arrived at an understanding amongst themselves before I did take it down.

Mr. McGUIRE. Once they had arrived at an understanding and presented their answer based upon that understanding, either in their own language or in English to you and Mr Elliott, you then took it down—is that right?

Mr. GALLAGHER. I took it down as the interpreter interpreted it to me.

Mr. McGUIRE. At no time during your examination of those people did you refuse to take any statement with respect to which the natives had all agreed?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Or upon which any considerable part of them had agreed?

Mr. GALLAGHER. No, sir. I did not take anything down, Mr. McGUIRE, until the interpreter told me that this was their answer.

Mr. McGUIRE. I understand. Did the natives all agree, so far as you know, to the replies that were made to the interrogatories of Mr. Elliott?

Mr. GALLAGHER. Yes, sir. After they had reached this common understanding there was no dissension. They argued it out amongst themselves and then made a statement to the interpreter and the interpreter made it to me in English and I put it down.

The CHAIRMAN. Did you take it all down after they had agreed?

Mr. GALLAGHER. I took down what the interpreter told me they had agreed upon.

Mr. McGUIRE. What did you do after you had examined the natives? I am trying to get it systematically.

Mr. GALLAGHER. I am trying to recall just the sequence of it. I think we spent more time on the books of St. Paul Island.

Mr. McGUIRE. You were then on St. Paul?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. What was the next outdoor work that you did?

Mr. GALLAGHER. I do not think we did any further outdoor work.

Mr. McGUIRE. What I am trying to get at is this, when did you weigh these skins?

Mr. GALLAGHER. When?

Mr. McGUIRE. Yes.

Mr. GALLAGHER. Well, we weighed those skins on the 29th of July. That was indoors; that was in the salt house.

Mr. McGUIRE. I see.

The CHAIRMAN. Just one moment. I want to call your attention, simply to facilitate matters, to hearing No. 1, on page 26, where this is recorded day by day as they went along. Perhaps it will be a guide to you in asking questions.

Mr. McGUIRE. I would rather ask him about these things, because this is testimony and that is not testimony.

The CHAIRMAN. You have been asking him what he did, and it might be well for him to take his report and see.

Mr. McGUIRE. I would be glad to have him do so.

Mr. GALLAGHER. I think we are down to the final day.

Mr. McGUIRE. The weighing of the skins?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You may proceed in your own way and tell just what was done with respect to the weighing, the manner in which it was done, and so forth, and the conversations that were had prior to and during the weighing of the skins.

Mr. GALLAGHER. That will practically be a repetition of what I said before. Mr. Elliott had prepared a form of procedure, and that morning after breakfast, on the 29th of July, Mr. Elliott, Mr. Clark, Mr. Hatton, Mr. Whitney, and myself, together with Mr. Lembkey, and Mr. Clark's son, Donald, who, however, were only there a very few minutes, went to the salt house and Mr. Elliott had the same interpreter read this form to the natives, this form of procedure which is copied in the report.

Mr. McGUIRE. You found the skins in salt?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And you received information, in a general way, that they were killed, I think, on the 7th of July?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Mr. Elliott directed the natives to extract the skins from the salt?

Mr. GALLAGHER. No; Mr. Elliott had this form of procedure read to them by the interpreter and they proceeded to do the work as directed in the form of procedure.

Mr. McGUIRE. They took the skins from the salt in the salt house?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. About how many of them were at work?

Mr. GALLAGHER. I should think 10 men were there engaged in that.

Mr. McGUIRE. When they took them out you say they shook the salt from the skins. What was the purpose of that—do you know?

Mr. GALLAGHER. No. I did not mean to say that it was deliberately shaken off, but the skins were taken out and whatever salt there was on them dropped off. I do not recall, however, that they shook the salt off.

Mr. McGUIRE. You do not know whether they did or not—is that right?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Then what did they do after that?

Mr. GALLAGHER. They took one skin and put it on the table before us, and Mr. Elliott and Mr. Hatton took the measurement of that skin.

Mr. McGUIRE. What measurement did they take of that skin?

Mr. GALLAGHER. They took it from one extreme to the other.

Mr. McGUIRE. Length or width?

Mr. GALLAGHER. Length.

Mr. McGUIRE. Did they take any other measurements besides the length?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. Do you know whether it was their idea that the skins were of uniform width and for that reason they did not measure the width as well as the length?

Mr. GALLAGHER. I do not know anything about that.

Mr. McGUIRE. You just simply took their procedure whether it was one way or the other?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Well, have you any opinion now as to whether they were of uniform width, that is, after your experience there?

Mr. GALLAGHER. No; I have not. The girth never entered my mind at all, but I saw mention of it made in Mr. Clark's report.

Mr. McGUIRE. How long were you there?

Mr. GALLAGHER. During this particular day?

Mr. McGUIRE. Yes, sir.

Mr. GALLAGHER. I was there from the beginning until the end, from about 9 o'clock in the morning until 6 o'clock in the evening.

Mr. McGUIRE. Pardon me; what I mean is, how long were you on the islands?

Mr. GALLAGHER. We were actually on the islands from the 9th of July until the 30th. We left on the 30th.

Mr. McGUIRE. And you were working with them more or less all the time?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And yet it never occurred to you as to whether they were of uniform width until you noticed the testimony of Mr. Clark?

Mr. GALLAGHER. But in all that time I do not believe I saw a seal-skin off an animal until that day.

Mr. McGUIRE. Well, you saw the seals?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Hundreds and thousands of them?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And it never occurred to you as to whether they were of uniform girth?

Mr. GALLAGHER. No; I never gave it any thought; but I would naturally infer it would be like people; that some are stouter and some are thinner.

Mr. McGUIRE. Did they take the measurements of the length only?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Of those 400 skins?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. But you did notice the blubber?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You noticed that it was not of uniform thickness on all of them?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You stated, I believe, that when they extracted them from the salt they spread them out on a table before you?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Fur down?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And blubber up?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And when did they throw on additional salt at that time?

Mr. GALLAGHER. After that skin was measured, that skin was put back in a kench of the salt house and salt thrown on it.

Mr. McGUIRE. Who threw this salt on the skins?

Mr. GALLAGHER. The natives.

Mr. McGUIRE. Did they have a cup or scoop?

Mr. GALLAGHER. No, sir; just their hands.

Mr. McGUIRE. Nothing of uniform size?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. But used their hands in throwing the salt on?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. Was it coarse salt?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. What is called rock salt?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. When they threw this salt on the skin on the floor, what was then done?

Mr. GALLAGHER. They took this first skin after it was measured, and put it on the salt in the kench back of the table; then they put the second skin on the table, both skins being placed flesh to flesh, and that second skin was then measured by Mr. Elliott and Mr. Hatton.

Mr. McGUIRE. Then what did they do?

Mr. GALLAGHER. Then they put those two skins back in the kench, and salt was thrown on them.

Mr. McGUIRE. Then what did they do?

Mr. GALLAGHER. Then they put those two skins back in the kench, and they tied them up with twine.

Mr. McGUIRE. Then what did they do?

Mr. GALLAGHER. Then the bundle was placed on the scale by Mr. Hatton and weighed, and I verified his weights. Those weights were called off, and Mr. Clark took a notation of the weight of each particular bundle, and so did I.

Mr. McGUIRE. What did you do with the skins then—that is, after they were weighed and a notation taken of the weights?

Mr. GALLAGHER. The skins were put aside there; laid aside.

Mr. McGUIRE. In the salt house?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Resalted?

Mr. GALLAGHER. There was no further resalting that I saw.

Mr. McGUIRE. That was sufficient salt, so far as you know?



Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You say they were weighed on heavy scales. Were the scales tested to see whether they were accurate as to ounces?

Mr. GALLAGHER. They were not tested in my presence.

Mr. McGUIRE. Do you know of any way in which they were tested—by any sort of means?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. You never heard anything said about that?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. But you did hear some conversation as to the character of the scales to be used?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Did Mr. Clark object to the scales used?

Mr. GALLAGHER. Mr. Clark claimed that the scales were not the particular scales on which the green weights of the skins had been previously taken by Mr. Lembkey.

Mr. McGUIRE. And he wanted to use the previous scales?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Mr. Elliott refused to do that?

Mr. GALLAGHER. Yes, sir. I think Mr. Elliott's contention was that these particular scales were not large enough to take the combined weight of the two skins when put in a bundle.

Mr. McGUIRE. Whatever may have been his purpose, he refused to use the scales on which they were weighed green, but took a heavier pair of scales?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Do you know the capacity of the scales on which he weighed those hides?

Mr. GALLAGHER. No, sir; I do not.

Mr. McGUIRE. You indicated to the committee in your testimony that the twine lying over there on those records [indicating] is about the size of the twine that was used, in wrapping up the skins?

Mr. GALLAGHER. I think that 's about the size of the twine, although I think the twine used there was slightly harder.

Mr. McGUIRE. That would be natural, would it not, after it had been in the salt?

Mr. GALLAGHER. Yes, sir; I should think so.

Mr. McGUIRE. How many feet of twine, did you say, were in each double skin tied together?

Mr. GALLAGHER. I did not measure that twine, but I have heard there was 10 feet of twine used.

Mr. McGUIRE. You only know that in a general way?

Mr. GALLAGHER. Yes, sir; that is, from hearsay.

Mr. McGUIRE. Was or was not the twine with which they wrapped the skins at that time, or just prior to their weighing them, the same twine that had been around them before, or had there been any twine around them?

Mr. GALLAGHER. There had been no twine around them previously; and, by the way, this was fresh twine; it was not soaked in wet salt.

Mr. McGUIRE. It was not soaked twine, but they used fresh twine?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Mr. Gallagher, what did you weigh those skins for?

Mr. GALLAGHER. What did I weigh them for?

Mr. McGUIRE. What did Mr. Elliott have them weighed for?

Mr. GALLAGHER. I do not know that he told me specifically what his purpose was, but I had an idea when I went down there it was with the intention of taking those weights to see whether the salt added to the weight of the green skin or not.

Mr. McGUIRE. And you think you made a thoroughly accurate test, do you?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You would not regard a few hands full of salt thrown on the skins as a very material matter in the weights when the skins were weighed together and on different scales? You would not regard that as very material in determining the accurate weight, would you?

Mr. GALLAGHER. As I understood the purpose of that test, it was to find out the difference between the weights of green skins and the weights of the skins as bundled and ready to leave the islands, and for that purpose, I think, that was a very fair test.

Mr. McGUIRE. Oh, I see. Your idea was, then, to find out the difference between the weight of the green skins and the skins taken from the salt, bundled and ready to leave the island?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. Regardless of the quantity of salt upon the skins at the last weighing?

Mr. GALLAGHER. That is what was to be determined, as I understood it.

Mr. McGUIRE. I see. But you did make a notation of the difference in the weights of the green skins and salted skins, as you weighed them?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. And you have that notation in Mr. Elliott's report?

Mr. GALLAGHER. Yes, sir.

Mr. McGUIRE. You had never seen any sealskins before?

Mr. GALLAGHER. Not that I know of; no, sir.

Mr. McGUIRE. You have no idea, as an expert, as to whether there was a reasonable and proper amount of blubber on those skins?

Mr. GALLAGHER. I have no expert knowledge in regard to skins at all.

Mr. McGUIRE. Do you know how many skins were taken in 1913?

Mr. GALLAGHER. Only in a most general way.

Mr. McGUIRE. Well, have you any judgment as to whether they took all the skins that would have been available, coming within the requirements as to size and weight?

Mr. GALLAGHER. I have no judgment at all in that matter.

Mr. McGUIRE. You do not know whether they should have taken 10,000 more or not?

Mr. GALLAGHER. No, sir.

Mr. McGUIRE. You do not know whether they were under the necessity of taking smaller skins in 1913 by reason of the limited number of what you might term killable seals?

Mr. GALLAGHER. I do not know a thing about that feature.

Mr. WATKINS. When Mr. McGuire asked you in reference to counting the pups I think you said you could not count them accurately under the conditions as they existed there. Was that your statement?

Mr. GALLAGHER. Yes, sir; I believe that under some of the conditions I saw there it is an impossible matter to make an accurate count of the pups.

Mr. WATKINS. You qualified your answer by saying "under those conditions."

Mr. GALLAGHER. I meant the physical conditions of the islands.

Mr. WATKINS. At that time?

Mr. GALLAGHER. All the time.

Mr. WATKINS. That is what I wanted to bring out, whether you meant all the time or at that particular time.

Mr. GALLAGHER. I meant all the time. The physical structure of the islands would seem to make it impossible to get to them to make a count.

Mr. STEPHENS. Did you count all except the pups?

Mr. GALLAGHER. We did not count them, Mr. Stephens; we estimated them.

Mr. STEPHENS. Did you estimate all except the pups?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Could you see a distinct difference between what you call pups and yearlings?

Mr. GALLAGHER. Oh, yes, sir.

Mr. STEPHENS. In what respect; in weight or size?

Mr. GALLAGHER. In size.

Mr. STEPHENS. What you call pups are those that have never left the islands?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. And the yearlings were those that had come back after having been born the year before and returned to the islands?

Mr. GALLAGHER. That is what I understand to be yearlings.

Mr. STEPHENS. Was there a perceptible difference between those that had never left the islands and yearlings.

Mr. GALLAGHER. Yes, sir; there was.

Mr. STEPHENS. Could anyone not an expert see the difference.

Mr. GALLAGHER. I think anybody could tell the difference between a pup and a seal of any other age.

Mr. STEPHENS. If you had been on the killing grounds, would it be possible or probable that a pup would be killed instead of a yearling?

Mr. GALLAGHER. No, sir; I do not think a pup could be killed by mistake by anybody.

Mr. STEPHENS. You say you noticed that they put a small skin and a large skin together, then tied them with twine and weighed them?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Did you see a great many put together in that way?

Mr. GALLAGHER. Two hundred bundles, 400 skins.

Mr. STEPHENS. Did you notice any difference in the width of the smaller skins and the larger skins? Did you notice the same difference in the width as there was in the length?

Mr. GALLAGHER. Yes, sir; there was a difference. The smaller skin never covered the surface of the larger skin.

Mr. STEPHENS. The same difference existed in the length as there did in the width?

Mr. GALLAGHER. I should think so; yes, sir.

Mr. STEPHENS. Did you observe that?

Mr. GALLAGHER. I saw that.

Mr. STEPHENS. The difference was as plain between the width of the larger skin and the smaller skin as the difference in the length was? You did not notice any difference in that?

Mr. GALLAGHER. No. All I recall now is that the smaller skin did not cover the surface of the larger skin. That is the only way I noticed it, but I did notice it.

Mr. STEPHENS. If they had been of the same width you would have noticed it would you not?

Mr. GALLAGHER. I do not believe I would.

Mr. STEPHENS. Then you would have made your estimate as to the smaller skin and the larger skin from the length only?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Because you had measured that way?

Mr. GALLAGHER. Yes, sir. I had no expert knowledge in regard to it, and I was taking Mr. Elliott's measurements.

Mr. STEPHENS. Did Mr. Clark or any other person, except yourself and Mr. Elliott, have access to your notes then or did they demand access to your notes after you had taken them and finished all your work?

Mr. GALLAGHER. No, sir. They would have served no purpose, because they made their own notes, at the same time, and we agreed as we went along.

Mr. STEPHENS. You had agreements as you went along as to what should go down?

Mr. GALLAGHER. Yes, sir.

Mr. STEPHENS. Did they have a stenographer also?

Mr. GALLAGHER. No; but Mr. Clark made notations.

Mr. STEPHENS. He kept up with you as you went along?

Mr. GALLAGHER. Yes, sir. If I was uncertain about something that was called out, I would ask Mr. Clark, and he would give it to me; and if he was uncertain, he would ask me, and I would give it to him.

Mr. STEPHENS. Was it your object, or the object of Mr. Elliott, to do any wrong to anyone on the islands with regard to the taking of the measurements of these skins, or anything else? Did you go there for any purpose of that kind?

Mr. GALLAGHER. No, sir; we did not.

Mr. STEPHENS. Did you see any evidence of that kind manifested by yourself or Mr. Elliott or by anyone acting on the part of the Government?

Mr. GALLAGHER. Absolutely not.

Mr. STEPHENS. Did you suppress in the statement that you have furnished us any material information that you obtained on the islands, or have you withheld any observations that you made that would have been of benefit to either side to this controversy?

Mr. GALLAGHER. No, sir.

Mr. STEPHENS. Did Mr. Clark, Mr. Lembkey, or anyone else, object to the manner of weighing these skins?

Mr. GALLAGHER. Mr. Clark objected to the scales, and he also suggested that the skins should be weighed separately instead of in the bundles.

Mr. STEPHENS. Did he object to them not taking the measurement of the width?

Mr. GALLAGHER. I never heard him make that objection.

Mr. STEPHENS. When did you first hear about this suggestion relative to the width?

Mr. GALLAGHER. That was first brought to my attention when I read Mr. Clark's report.

Mr. STEPHENS. When did you read that?

Mr. GALLAGHER. I read that on the way to St. Louis.

Mr. STEPHENS. After you had left the islands?

Mr. GALLAGHER. Yes, sir; in November.

The CHAIRMAN. You went to St. Louis at the instance of the Department of Commerce to set aside these 400 skins?

Mr. GALLAGHER. Yes, sir.

The CHAIRMAN. To separate them from the others?

Mr. GALLAGHER. Yes, sir.

By unanimous consent a recess was taken until 2 o'clock p. m.

#### AFTER RECESS.

The committee reconvened at 2 o'clock p. m. pursuant to the taking of recess.

#### TESTIMONY OF MR. HENRY W. ELLIOTT.

The CHAIRMAN. Mr. Elliott, do you want to proceed further?

Mr. ELLIOTT. I do. I have not been heard at all that I know of.

The CHAIRMAN. Is it your desire to answer certain statements made by Mr. Clark?

Mr. ELLIOTT. Yes; that is the chief object I have.

The CHAIRMAN. You were sworn?

Mr. ELLIOTT. I have been sworn. I was sworn on the 13th of October, and I am still under oath.

The CHAIRMAN. If it be agreeable to the committee you may proceed with your statement, and confine it to the real issues.

Mr. ELLIOTT. Nothing else. I will not waste a word, Mr. Chairman, outside of that.

Mr. George A. Clark admits that "the whole fur-seal difficulty at the present time, turns" on a correct understanding of what the Russian killing on the Pribilof Islands was, as to the slaughter of seals between 1800-1834, inclusive: he testified, Monday afternoon, February 23, 1914, to wit:

Mr. CLARK. The whole fur-seal difficulty at the present time turns on that. If the Russians killed only males, then you have a right to stop land killing, and to say that land killing had something to do with the present state of our herd. If the Russians killed females, then the crisis through which the herd passed in 1835 was due to killing of females just as the crisis through which the herd has passed in 1911 has been due to killing of the females by pelagic sealers on the high seas.

Mr. McGUIRE. This is one of the most material points that has been up.

This declaration by Mr. Clark, and affirmative by Mr. McGuire, is absolutely true, and is the fact.

Now, what are those Russian records, and who has falsified them?

Either Dr. Jordan has, or I have done so.

I will take up the Yahnovsky record first, and then this which is the only official Russian record, indisputable and authentic, that we have ever been able to find bearing on the question, will be understood by this committee. Then I will exhibit the vagaries of Ven-

iaminov, who has no official connection with this question, and who never made a report to the Russian American Co., that I have ever been able to find, or even hear of.

Those are the only Russian authorities, official and unofficial, which either Dr. Jordan or I have considered and quoted; indeed they are the only ones that can be found which are worthy of any credit as authors of record in the premises.

Yahnovsky's record is of peculiar authority and beyond any sensible dispute. He was sent to the seal islands of Alaska direct from St. Petersburg in 1818 by the board of directors of the Russian American Co. as their confidential agent, to find out the precise cause of steady annual diminution of catches of sealskins taken on the Prililof Islands. He did so; his report was sent back to the board from Sitka February 25, 1820, and its clear summary as officially made by the board and embodied in letter "No. 6" of the American case before the Paris tribunal, tells us authoritatively what was the sole cause of that ruin of the seal herd wrought by the Russians between 1804-1834, and when no such industry as pelagic sealing existed, or had even been hinted at.

On February 23, 1914, Mr. Clark read to the committee, from a volume of the appendix to case of United States Fur Seal Arbitration, "letter No. 6, page 58, March 15, 1821," the translation thereon of the Russian record of Yahnovsky's report upon the conduct of the killing of fur seals by the Russian American Co.'s agents on the Pribilof Islands (St. Paul and St. George), during the season of 1819.

Mr. Clark then swore that this was the copy of the translation used by the Government of the United States when it prosecuted its case against Great Britain at Paris, before the Bering Sea tribunal (April-August, 1893).

Mr. Clark made this statement with the volume in his hands and as printed in September, 1892, from which he read that translation of copy of letter No. 6, *in re* report of Yahnovsky, either knowing or not knowing that the Government of the United States had officially withdrawn this identical copy which he had read from the case, on November 19, 1892, because it was a "false translation," and that our Government had substituted for it a "revised translation," on November 19, 1892, which appears in Volume VIII, Appendix I-II, Fur Seal Arbitration, page 323, and the citation order of its withdrawal, and substitution of this "revised translation" aforesaid, is made in Volume VII, counter case of the United States, pages 13, 14, 152, 153, and on page 305, of said Volume VIII, and immediately preceding said copy of the "revised translation."

Mr. WATKINS. Did Mr. Clark have any reasonable opportunity of knowing that that had been repudiated by the Government?

Mr. ELLIOTT. I am coming right to that and will show you that he had. I will resume my statement right there.

This publication of that spurious and repudiated translation of letter "No. 6" aforesaid, is made on page 323, in a deadly parallel column with the correct or "revised translation" of letter No. 6. When Mr. Clark read to this committee the rejected and denounced copy as the one which had been actually used by the United States Government, and shut his eyes at the same moment to the proof published as stated above (on the same page) that it was a "false translation," and as such had been repudiated November 19, 1892,

and withdrawn from the case by the official agents of the United States Government, *he then and there and at this time, knowingly and deliberately, sought to deceive the House committee as to the truth and the facts in this case.*

Mr. WATKINS. Why do you say that?

Mr. ELLIOTT. Because it appears in the document. I am coming to it. I am going to cover it all if you will allow me to finish, and then ask me questions. I will show you the proof.

Bad as that showing is for Mr. Clark, it becomes in his case still worse for him; because, on February 24, 1898, he, as Dr. Jordan's "secretary of the Fur Seal Commission," which made a report on Fur Seal Investigations, 1896-1897; Parts I-IV, 1898, has deliberately used this same "false translation" of letter No. 6 aforesaid, as the correct version; thus Dr. Jordan and his associates on the commission have made it the sole foundation of that commission's report upon the conduct of the Russian sealing from 1800-1847, inclusive.

Mr. WATKINS. Who decided that is false?

Mr. ELLIOTT. I am coming to that. I will bring that right in here.

Observe the following, in further explanation to the committee, that Dr. Jordan "deliberately" used this "false translation;" Mr. Clark testifies (Feb. 24, 1914), to wit:

Mr. CLARK. \* \* \*. Now I have quoted from the book which Henry W. Elliott gives as his authority, and it confirms Dr. Jordan absolutely.

Mr. McGUIRE. The Elliott quotation is not an accurate quotation of Dr. Jordan, is it?

Mr. CLARK. Not at all.

Mr. McGUIRE. They are entirely different?

Mr. CLARK. Yes; I wish to say there is a second translation of this letter which appears in the British counter case. Dr. Jordan was well aware of that translation at the time; but he considered the American translation superior. The British translation uses the word "bachelors" instead of "young breeders."

Right here let me say that there is no "British translation," and there never was a "British translation." Is that understood by the committee?

Mr. WATKINS. I understand it.

Mr. ELLIOTT. Then Mr. Clark goes on to say:

But the point I want to get at is that Dr. Jordan is charged with falsifying a record and altering a quotation, while the reference used by him disproves the charge. This charge of falsification against Dr. Jordan is not founded in fact, and is untrue.

The CHAIRMAN. Then would you suppose there is one side of this which supports Mr. Elliott's theory, and another side which supports the Jordan theory?

Mr. CLARK. There is nothing here to indicate that.

The CHAIRMAN. Now, I am informed by Mr. Elliott that he has the original letter here, and that he can translate it himself, and knows just exactly what it contains.

Mr. CLARK. I had a Russian scholar by the name of M. Lippitt Larkin, an instructor in Stanford University, translate this letter from the facsimile.

The CHAIRMAN. Mr. Clark, you see we get into interminable trouble by going along the way we do.

Mr. McGUIRE. But here is the point. Mr. Elliott makes a direct accusation against Dr. Jordan, and the most favorable construction that can be placed upon it, so far as Mr. Elliott is concerned, is that it is simply a disputed question as to the proper translation. Either that is true, or Mr. Elliott wilfully makes a misstatement.

Now, Mr. Chairman and gentlemen of the committee, you will observe by the above record that Mr. Clark has deliberately renewed the falsification of that letter "No. 6," which has been self-confessed as such by the man who first translated it (see p. 152, Vol. VII, Proc. Trib. Arb., 1893), and self-confessed as a "false translation" and



withdrawn by the agent of our Government November 19, 1892 (see pp. 152, 153, Vol. VII, Proc. Trib. Arb., 1893), who at the same hour of withdrawal substitutes a "revised translation" as the correct and official translation for the said "No. 6," or Yahnovsky record; it is correctly quoted by me as such (pp. 186, 411, Hearing No. 1, 1914), and which is falsified in turn by Jordan to the Secretary of the Treasury, February 24, 1898, in his Report on Fur Seal Investigations, Part I, page 25.

This testimony shows that Dr. Jordan was well aware of that "false translation" at the time he made his report, February 24, 1898, and that he took it deliberately from the official United States record of the proceedings of the Paris tribunal and quoted it as the one which our Government used over there, when in truth and in fact, the official record of its withdrawal November 19, 1892, as a "false translation," was staring him in the face, and the correct or "revised translation" of Letter "No. 6," was there also, staring him in the face, when he made that falsification of this indisputable record of our own Government!

The CHAIRMAN. Let me ask you there. Do you mean to say that the American Government submitted a translation to this tribunal, of which you speak, and was obliged to withdraw it because it was incorrect?

Mr. ELLIOTT. Yes, sir; and submitted a "revised" and proper translation.

The CHAIRMAN. Such as you say there is now?

Mr. ELLIOTT. Yes; as I have correctly quoted in my statement. (P. 411, Hearing No. 1, Jan. 17, 1914.)

The CHAIRMAN. And you say that Mr. Clark come before this committee and insisted on the translation of that which the American Government was obliged to withdraw—is that your idea?

Mr. ELLIOTT. Yes; and renews it as the "American translation." and calls the "revised" copy which our Government used the "British translation."

Mr. WATKINS. On what authority or by whose authority was this withdrawal made?

Mr. ELLIOTT. I wish to have this letter read. Here is the letter of the agent of our Government, Mr. John W. Foster, to Sir C. H. Tupper, British agent, dated "Washington, November 19, 1892," in which the withdrawal of this translation, which Dr. Jordan uses as the correct translation, is made; he does so, because it is a "false translation" and has been imposed upon him by a rascal, as he says. Shall I read it, or just have it printed in the record?

Mr. WATKINS. You had better read it. Who is Mr. Foster?

Mr. ELLIOTT. Mr. Tupper was the British representative.

Mr. WATKINS. And Mr. Foster was——

Mr. ELLIOTT (interposing). The American representative. He was in charge of our case before the Paris tribunal.

Mr. WATKINS. He is the person upon whose authority the withdrawal was made?

Mr. ELLIOTT. Yes, sir.

Mr. WATKINS. He was representing the American Government, was he?

Mr. ELLIOTT. Yes. He was in charge of our case before the Paris tribunal.

Mr. WATKINS. John W. Foster?

Mr. ELLIOTT. Yes, sir.

Mr. WATKINS. Read what he has to say.

Mr. ELLIOTT. He published this translation which he thought, he says, was an authentic translation, and printed it. Then word got to him, before his case got into court, that it was a forgery, and he prepared this letter, dated "Washington, November 19, 1892."

Mr. WATKINS. Do you mean a forgery or a false translation?

Mr. ELLIOTT. Either. I suppose those words are interchangeable. If words are put in there that are not there it becomes a forgery, does it not?

Mr. WATKINS. I do not know.

Mr. ELLIOTT. Well, he calls it a "false translation."

Mr. WATKINS. Well, that is what I want to understand.

The CHAIRMAN. That is the term you speak about?

Mr. ELLIOTT. I am going to use his statement.

WASHINGTON, November 19, 1892.

SIR: Under date of the 2d instant I advised you that I had discovered that a number of documents belonging to the archives of Alaska and referred to in the Case of the United States before the Tribunal of Arbitration were incorrectly translated from the Russian language; and I promised to give you at the earliest practicable date a detailed statement of the erroneous translations and to indicate the pages in the Case of the United States where they are quoted or referred to.

Before complying with that promise I deem it due to my Government and to myself to state the circumstances under which these translations were introduced into the Case of the United States. When I entered upon the work of preparing the same I learned that there existed in the archives of the State Department a large collection of documents entirely in the Russian language, which had been turned over by the Russian authorities in the Territory of Alaska at the time of the transfer of that Territory to the United States, in accordance with the treaty of cession of 1867. These documents I found to be unclassified and without indices. Desiring to ascertain whether they contained any information relevant to the work I had in hand, I made inquiry for a competent person to undertake the needed research. After considerable investigation my choice fell upon Ivan Petroff. I learned that he was a native Russian, educated in St. Petersburg, that he had several times visited Alaska as an agent of the United States Government and had been in the employ of this Government for several years in responsible positions. He was represented to me as an accomplished linguist and the best-informed person obtainable in the Russian language and history, and I was also told that he had performed a large part of the labor in the compilation of H. H. Bancroft's History of Alaska. Having entire confidence in his capacity and integrity, I intrusted to him the examination of the Alaskan archives, with the result shown in the use made of them in the Case of the United States and Volume I of its Appendix.

Only a few weeks ago my suspicion was for the first time aroused as to the correctness of some of the passages translated by Petroff, and a careful examination has revealed an astounding series of false translations. As soon as I was prepared to do so, I brought Petroff into my presence and confronted him with the proofs of his infidelity and false translations.

Mr. WATKINS. Are you reading from the same statement that Mr. Clark referred to before this committee as the authority which is now repudiated?

Mr. ELLIOTT. Yes. [Reading.]

The evidence of his dishonest conduct being overpowering, he acknowledged his guilt in the presence of witnesses and signed a full confession, of which I inclose you herewith a copy certified to by the witnesses. The only motive which he has alleged for his conduct is that he supposed by making the false translations and interpolations he would so ingratiate himself into favor and impress upon this Government the importance and value of the Alaskan archives as to secure his employment to classify, translate, and index that voluminous collection of documents.

In making this explanation I desire again to direct attention to the fact mentioned in my note of the 2d instant that photolithographic reproductions of all the original

documents, of which translations were cited or made use of were introduced in Volume I of the Appendix to the Case of the United States, following page 593, and that the British Government and its representatives were thus furnished with the means of testing the correctness of the translations.

I now desire to give notice as agent of the United States that I do hereby formally withdraw from the Case of the United States in their entirety the original Russian documents hereinafter designated. These documents are included in those referred to in the footnote to page 41 of the Case of the United States, of which translations are given in Volume I of the Appendix to said Case, at pages 49 to 90, and facsimilies in the same volume following page 593.

Number of document withdrawn.	Where cited in case of the United States.
	<i>Pages.</i>
1.....	43, 44
2.....	45, 46, 47
3.....	47, 48
4.....	48, 49
5.....	Not cited.
6.....	44, 45
7.....	Not cited.
8.....	41
9.....	42
10 and inclosure.....	53, 54, 60
12.....	60
15.....	62
Inclosure to No. 29.....	103, 104

I inclose herewith revised translations of those of the Russian documents hereinbefore referred to which are retained in the case of the United States, and beg to direct attention to the following pages of this case, on which there appear falsified translations of portions of these documents:

- On page 61, of document No. 14.
- On pages 54, 55, of document No. 14, inclosure.
- On pages 62, 66, of document No. 16.
- On page 67, of document No. 17.
- On page 67, of document No. 20.

I have to advise you that I will send without delay to each member of the tribunal of arbitration duplicate copies of my note to you of the 2d instant and of the present note, and further that a proper correction of the errors inserted in the Case of the United States will be made in the counter case and the correspondence relating thereto included in its appendix.

I have the honor, with this opportunity, to renew to you the assurances of my highest consideration.

JOHN W. FOSTER,  
*Agent of the United States.*

Mr. WATKINS. Now, you stated that Mr. Clark had an opportunity of knowing that that was a false translation. Where do you find that authority?

Mr. ELLIOTT. He had the same opportunity I have of reading it to you; he had the opportunity of reading it to Dr. Jordan, a scientist, whose sworn duty it was to look into this.

Mr. WATKINS. You say he had an opportunity. How do you know he had?

Mr. ELLIOTT. Because he said he had this volume in his hands on the islands.

Mr. WATKINS. What opportunity did he have to know of the correct translation?

Mr. ELLIOTT. It is in this very volume, which he said he had in his hands on the island. I am coming to that. He had this volume in his hands on the island.

Mr. WATKINS. Do you know whether during his entire statement he called the translation to the attention of the committee?

Mr. ELLIOTT. Not at all. He claimed that this spurious translation, which John W. Foster had repudiated, was the "American version" and that I had used the "British translation" as the American version.

Mr. WATKINS. Now, in referring to the British translation did he mean the correct translation?

Mr. ELLIOTT. I suppose he did, *because there was no "British translation," and there never has been a British translation.* The correct translation was the American translation, which was substituted for the spurious translation first put in and referred to by Mr. Foster.

Mr. WATKINS. Now, you say there was no British translation?

Mr. ELLIOTT. Yes; there was none.

Mr. WATKINS. Then he necessarily refers to the other translation, which was also an American translation?

Mr. ELLIOTT. Yes, sir; that is what he is talking about.

Mr. WATKINS. That is the one that Foster repudiated?

Mr. ELLIOTT. Yes. And side by side is the correct translation, which he ordered into the case. Now, gentlemen, you will see there is no doubt as to the proper translation. Our Government settled that before the case was opened at Paris, and I have put into my statement the very translation which our counsel and our Government ordered in, in lieu of the false translation which Dr. Jordan uses here in his report.

Mr. WATKINS. What is the material difference between those two translations?

Mr. ELLIOTT. I am coming to that.

Mr. WATKINS. Well, all right.

Mr. ELLIOTT. All the difference in the world; the difference between black and white. Upon this falsified official record of the conduct of Russian sealing, the whole fabric of Dr. Jordan's report of 1898 is based, and also so are the reports of his associates on the Fur Seal Commission of 1896-1897.

Dr. Jordan's final report was submitted to the Secretary of the Treasury February 24, 1898, by him and by all of his itemized official associates, who were duly sworn and paid agents of the United States Government. *Therefore this reproduction by him, on February 24, 1898, part 1, page 25, of his report (Fur Seal Investigations) of that falsified record of Yahnovsky's report, and which record the United States Government had repudiated as a "false translation" in November, 1892, and before its case went to the Paris tribunal, is now a distinct and indisputable exhibit of official deceit which was practiced to unduly influence the Secretary of the Treasury in 1898, with regard to any action which he might order in re killing seals on the Pribilof Islands, and in turn is now used to deceive the House committee as to the facts in re Russian land killing which destroyed the herd 1800-1834!*

When, therefore, in good faith the Secretary of the Treasury published Dr. Jordan's report aforesaid, then that publication became a still more offensive power for deceit in the premises not only at home but abroad, and has been so employed by the lessees of the seal islands of Alaska ever since 1896-97, up to this hour of my exposure of it.

It became necessary for the good of the public interests at stake that I should expose this deceit of Dr. Jordan's work to this com-

mittee: and, I have done so regardless of whether the truth told as above, hurts or helps any man or men.

It won't do for Mr. George Archibald Clark to say now in this light of his exposure in the premises, that he had overlooked this record made by his own Government *in re* Yahnovsky's report, or letter "No. 6", of the American case certified to the British case on November 19, 1892, as quoted above.

It won't do, for he has testified here, February 24, 1914, that he had this very volume 8, which carries all this proof of that "false translation" of Yahnovsky's record in his own hands on the seal islands in 1896 and 1897! He testifies:

Mr. McGUIRE. Mr. Clark what do you mean by the London weights and charts?

Mr. CLARK. Well, in 1896 and 1897 when the two commissions were at work on the Pribilof Islands we were under the necessity of getting all the light we could about the sizes and the ages of the animals, and we found that in volume 8 of the Paris Tribunal of Arbitration \* \* \*.

Here he tells you that he and Dr. Jordan were busy in 1896 and 1897 with this volume 8 of the Proceedings of the Fur Seal Arbitration, which carries on page 323, the full text of the "false translation" placed in a deadly parallel with the correct and "revised translation" which our Government ordered into the case, as a substitute for this fraud, November 19, 1892!

Then when Dr. Jordan and he deliberately use it in their report of 1898, page 25, as the "American translation" and "superior" to the "British translation" (which never existed), they have "deliberately falsified" the Russian (and the American) records in the case, just as I charge them with doing to your committee (see pp. 185, 186, 255-261, 411, hearing No. 1: Oct. 13, 1913-Jan. 17, 1914; House Committee on Expenditures in the Department of Commerce).

Now, we come to Veniaminov as an authority. Mr. Clark had a good deal to say about Veniaminov and I will have something to say.

The manifest errors in Veniaminov's account of the fur seals which caused Elliott to characterize it as being "full of errors" and to omit from it the most salient and obvious errors which Jordan and Clark publish without objection or criticism (see Report Fur Seal Investigations: 1896-1897: part 3: "Veniaminov's Account of the Sea Bear," translated by Leonhard Stejneger, pp. 219-222, 1898).

On February 24, 1914, duly sworn, Mr. George A. Clark testified as follows to the House Committee on Expenditures in the Department of Commerce, to wit:

Mr. CLARK. On page 185 of this first hearing, Mr. Elliott is quoting from page 222 of Dr. Jordan's report, volume 3. This is a translation by Dr. Stejneger of an article by Bishop Veniaminov, originally published in St. Petersburg in 1839. The translation was made for Dr. Jordan to be placed in his report. Mr. Elliott quotes a paragraph that begins "The taking of fur seals," etc., etc. \* \* \*

This omitted sentence is very important and I want to read it. \* \* \* He omitted this sentence: "The quite young seals, that is to say, those only four months of age, are killed without exception."

Mr. McGUIRE. You mean to say that is omitted from Elliott's statement?

Mr. CLARK. It is omitted from this quotation by Mr. Elliott, and the quotation is repeated three times in this document before you.

Mr. McGUIRE. Suppose you inserted that statement what effect would it have on his statement?

Mr. CLARK. It absolutely disproves Mr. Elliott's contention and proves that Dr. Jordan was right when he said the Russians killed male and female fur seals alike.

Mr. McGUIRE. Could that have been omitted without having been willfully omitted?

Mr. CLARK. I say not, because the stars are here. If there were no stars, I would say that it might be unintentional.

Mr. ELLIOTT. It is sensibly omitted, and for good reasons.

The fact that I had direct evidence from the sons of the men who had killed those pups (4-months-old pups), between 1808-1847, which evidence declared that they never killed the female pups—always separated them from the males just as I saw them separate over 9,000 of them in November, 1872, and that they also verified the separation of the yearlings—the females from the males, as stated by Veniaminov, caused me to omit it in this statement here, just as I did from my own version of it, published in 1875.

These self-evident salient, and fairly absurd errors of Veniaminov are itemized in the following order, as they are all published by Jordan and are duly cited as follows, to wit:

1. Page 219: Fur Seal Investigations: 1896, 1897, part 3: 1898: Veniaminov says:

Kotiki are the young males and females from four months to a year old, including those born in the spring and killed in the fall. It is the furry pelt of these which is the most highly valuable.

As no pups are "born in the spring," the nonsense of this is declared. In fact the term "Kotik," or "Kautig," is given to the little black pups born in June and July; then when later, in early October, they have changed their natal coats to one of gray hair and light under wool or fur, they are called "gray pups." This is the class of pups which the natives annually killed for food in October and November, always separating the females from the males; the latter only, being slaughtered. The skins of these "gray pups," were either tanned by the natives and sewed up into blankets, rugs, etc., or else baled in "parchment," they were never used in the outside trade of the Russian-American Co., except as they were given to the employees at the different stations in the territory for domestic use. These skins were never shipped out of Alaska by the Russian-American Co., as fur-seal skins for their trade, or used by it with British or American traders who visited Sitka and Kodiak.

The fact that these little gray pup skins never have had any commercial value, and never can have, on account of the fluffy under-wool or fur, makes this error of Veniaminov's account self evident, as above quoted.

Veniaminov says: 2, page 220:

\* \* \* Each harem is separated from all others by a space which is not "allowed to be intruded upon by any outsider."

This is just the reverse of the normal condition when a very considerable number of breeding seals are assembled on any rookery. They are massed together without lines of division.

Veniaminov says (3, p. 220):

Nor do they arrive all at the same time, but gradually and singly, not all being assembled by the middle of June, as there are instances of yearlings having arrived as late as July. When gathered in bands these young fur seals keep up a constant calling day and night, particularly, as has been observed, before bad weather.

This idea of the "gradual" and "single" arrival of the seals is simply nonsense. They haul out after June 14 annually, in great waves or large bands. Veniaminov is right, however, in saying that they have practically all assembled by the "middle of June," or 1st to 4th



July of our calendar; and that the "yearlings" are there, too, at the same time.

Veniaminov says (4, p. 221):

Sealers are doubtful about the age of the female when she bears her first young, and also in regard to the age generally reached by the fur seals. The first probably takes place in the fifth year, while the age hardly exceeds 25 years.

Ever since my publication of the fact, in 1874, that the female seal bears her first pup in her third year, there has been no dispute of that by anyone since. I think the male seal lives from 15 to 18 years; the female from 12 to 15 years. I only reason from analogy.

Veniaminov says (5, p. 221):

The delivery of the female commences the 30th May (June 10, n. s.) and lasts through the whole of June and even to the 10th July (July 21, n. s.). Usually only one young is born annually, though instances are known, however, of a mother giving birth to two pups, but always paying for it with her life.

This absurd mingling of truth and fiction needs no further comment.

Veniaminov says (6, p. 221):

The siekatch is able to cover from 15 to 24 females in 24 hours.

This is an exhibition which no man ever witnessed, and which is utterly absurd.

Veniaminov says (7, p. 221):

In spite of the disproportion of their bulk, it never happens that the male crushes the female. But the female of the fur seal will sometimes get crushed when covered by a young sea lion. The result of such intercourse, if she survives, is a hybrid, having the head, feet, and hair of a sea lion, together with the fur of a fur seal.

The grotesque untruth and nonsense of this description of that crossing of the fur seal with the sea lion is hard to beat. Yet Stejneger who translates this rigamarole, makes no footnote comment on its absurdity as he does to others frequently, which are not so absurd. Of course, Stejneger knows better.

Veniaminov says (8, p. 221):

If one of the pups stays away longer than 24 hours, the mother will go in search of it.

Probably a misinterpretation of the action of cows fresh from sea and looking for their young.—Ed.

Yes, it is a "misinterpretation," but how about the scores and scores of others in this "account"? Why has no such "editorial" comment by Jordan and Stejneger followed them?

Veniaminov says (9, p. 222):

The taking of fur seals commences in the latter days of September. A chilly disagreeable day is selected for the purpose when the wind is blowing against that quarter where the animals are lying so that they may not discover the approaching sealers. Such weather setting in, the entire gang, old and young, men, women, and children, proceed to the hauling ground of the animals.

There is not a single line of truth in that description. The positive and absurd untruth of the whole relation—the nonsense of it, should have drawn at least one little "editorial" footnote calling attention to it, but it has not.

Think for a moment of these facts in the premises.

*First.* From the very day of the earliest arrivals of the holluschickie and yearlings, too, in May and June, these natives in Russian times went to work by driving, and killing them, and preparing the skins.

*Second.* The Russians never stopped that work as we do in August and September annually because of "stagy" skins when the seals are shedding the hair of their coats then.



*Third.* This suggestion that the men were helped by the "women and children" is simply stupid. The latter only came out to get the choice cuts of seal meat, livers, sinews, paunches, and intestines, etc., when the men had finished driving and skinning the seals.

Veniaminov says (10, p. 222):

All without exception (men, women, and children) are armed with clubs. The intent of such an attack is to cut off from the sea as rapidly as possible all animals on shore and to drive them from the beach to the interior of the island. Halting a short distance from the shore, the old males are separated from the females and young, the former being driven back and liberated. The sickatchie and old females having been removed, the others, divided into small squads, are carefully driven to the place where they are to be killed, sometimes more than 10 versts distant. \* \* \* When brought to the killing grounds, the seals are rested for an hour or more and then killed with a club.

The quite young seals—that is to say only 4 months of age—are killed without exception. Of those 1 year old the males are separated from the females and killed while the latter are driven cautiously back to the beach.

Because I omitted that sentence which describes the killing of "the quite young seals; that is to say, only 4 months of age," "without exception"—

Clark swears to the committee that I have "willfully omitted it," and that this erroneous and self-confessed as such account of that killing of those "4-months" old pups "without exception," proves Jordan's claim that the Russians killed males and females alike on the breeding grounds or as driven from them.

The reasons, good and proper, for my omitting that sentence are based upon the following facts of positive established record in the premises which declare the statement as to killing seals 4 months old to have been an idle and untruthful one.

*First.* This driving, as described, is not from the breeding grounds; it is from the hauling grounds and from the sea margins of them, just as I described it in 1890; and Clark has done so in 1909.

*Second.* Those "young seals," or pups "4 months old," when taken up in these drives as Veniaminov describes them driven, were always all of them released when the yearlings were separated and returned to the beaches with the yearling cows in all such drives up to the 10th–20th of November annually.

*Third.* After the 10th–20th of November, annually, between four and five thousand male "4 months old" pups, or "gray pups," were taken in these drives, separated from the females, or else all driven by themselves, up to the villages for food, and there separated from the females, to last the natives during the winter. In that annual killing of these "gray pups" "4 months old" for food, from 1808 up to 1872, as done by the natives on the Pribilof Islands, the same separation of the males from the females was made by them, when the killing was done, that I witnessed in 1872, when some 9,000 of them were driven up to the village on St. Paul, and nearly 5,000 males were taken out of the 9,780 driven.

No man of common sense can read Veniaminov's account and not be impressed with its strange mixture of romance and fact, and the utter worthlessness of it as an evidence of what really was done; here you observe that he states in the same breath, they have killed all of the pups born this year—as, "seals 4 months old," etc.—and yet, have saved all of the yearling females.

Then, if that were true, how could he find any yearlings of either sex to kill next year, and thereafter, and then "separate males from the females"?

Think a moment of Dr. Jordan, a scientist, taking this self-confessed nonsense and untruth as part of the basis of his report of 1898. (At least his associate Clark swears that he (Jordan) did.)

Think for a moment—if the Russians killed all these young gray pup seals year after year, as Veniaminov is made to say they did, there would not have been a seal on those islands years and years before Veniaminov stepped on them for the first time, and his brief summer visit of June–July, 1825.

Mr. McGUIRE. Whose statement is this?

Mr. ELLIOTT. Veniaminov's statement; and then I am commenting on it. I have it here.

Mr. McGUIRE. Go ahead; but I wish you would indicate when you are quoting.

Mr. ELLIOTT. Therefore, Mr. Chairman, I had good sensible reasons for omitting that self-evident nonsense which is carried in Veniaminov's story of killing all of the "4 months old" pups annually on the Seal Islands from 1800 to 1834. The natives on the Seal Islands, who were the sons of those men who killed seals when Veniaminov was on the ground in 1825, all denied to me this legend as given to you by Jordan and Clark, and that is the reason why I omit the untruthful and self-confessed nonsense of its relation.

Now, in turn, I have never believed that the Russian killing spared all the yearling females. I know that Veniaminov says they did. But I know something of that sealing human nature and the environment of that driving and separating the sexes on the killing grounds, as he describes it. But, on the other hand, I do know that the "laasbuschie," or breeding grounds, of the Pribilof Islands were never stepped upon from 1804 to date of Russian cession in 1867, by the natives of those islands from the very day of first arrival of the bulls and cows in May and July until their departure from them in November following.

The CHAIRMAN. You spoke about a report that was made in which you claimed they used a false translation. By whom were they authorized to make a report?

Mr. ELLIOTT. They were authorized by the Secretary of the Treasury.

The CHAIRMAN. I mean Clark and Jordan.

Mr. ELLIOTT. This was their report of the Fur Seal Investigations Commission of 1896 and 1897; February 24, 1898.

The CHAIRMAN. They were in the employ of the Government?

Mr. ELLIOTT. Oh, yes. This fact, as stated above by me, was not the word of one native to me; it was the universal statement. It was emphatically confirmed by Bishop Shaishnikov to me, September, 1874. No one was better qualified to assert it than he, for he was the son of the man who had the charge of all the R. A. Co.'s work on the island of St. Paul from 1808 to 1854.

Mr. Clark in his report of 1912 has this to say of his opinion of Veniaminov as an "authority." He says on page 29 (MS. report, 1912):

## THE RUSSIAN LITERATURE.

Our knowledge of the fur seal herd in the very early period of Russian control we owe almost exclusively to the writings of Bishop I. Veniaminov \* \* \* published at St. Petersburg in 1840 \* \* \* Heretofore a partial translation by Mr. Henry W. Elliott has only been available. It appears as an appendix to his monograph beginning at p. 140. The importance of this paper has seemed to justify its translation as a whole. This has been done by Prof. Raphael Zon, of the Forestry Service, and it is published as an appendix to this report. *To it are attached annotations to correct obvious errors and to explain the statements of the Russian bishop in the light of our present knowledge.* (Italics mine H. W. E.).

Here you have Mr. Clark gravely telling you that his "authority" is not one in fact—that he feels obliged to "attach annotations" to correct "obvious errors" of said authority!

Very well, then, why did he adopt the "errors" of Veniaminov *in re* "killing all the four months old pups for the trade" "without discrimination as to sex" annually, and that stupid nonsense of driving all the bulls, cows, and new-born pups up from the rookeries to slaughter by the help of the "women and children"?

I made no such use of Veniaminov as an "authority" because he was not one; and moreover, everything could be proved for, or against the indiscriminate killing of seals by his writings.

Following that quotation *in re* killing gray pups, is made by Veniaminov—Prof. Zon's translation and cited above. Mr. Clark says:

At page 19 of Zon's MS., which is page 360 of the Zapieskie article, occur these words:

"Some years in September young pups form large pods and congregate in special places, and lie so carelessly that they all can be driven off without leaving a single one behind. Such pods are very advantageous for the trade, but are most ruinous for the increase of the herd."

That extract is correctly quoted; but Veniaminov had in mind the yearlings, or pups of last year, which he finds this year hauled out on the hauling grounds, just as I saw them by the tens and tens of thousands, hauled out in 1872.

Following the subject, Mr. Clark says:

At page 26 of Zon's MS., which is page 364 of the Zapieskie article, occurs the following:

"As soon as they are rested, the killing is begun with clubs. Small pups which were born the same summer, are killed without discrimination, both males and females."

This extract as just quoted above, and correctly, proves that Veniaminov has the yearlings of the current season, and the pups born in it, all driven up together and killed "without discrimination, both males and females!"

That he was writing in a fog of his own making, and not correctly, as above cited, and not telling the truth, Veniaminov himself admits in the following quotation of his own writing, and which Dr. Jordan publishes in the final report of Fur Seal Investigations, to wit: I have this to say in my statement (p. 185; Hearing No. 1, Oct. 13, 1913, *H. Com. Exp. Dept. Commerce*):

On page 25, Fur Seal Investigation, Part I, 1898, under head of the "Company's management," he says:

"At once, upon assuming control of the islands, the Russian American company put a stop to the ruthless slaughter which threatened the fur-seal herds with destruction. \* \* \* They still continued to kill males and females alike. The injury to the herd naturally continued. \* \* \*"

That Dr. Jordan could make such a statement in distinct denial of the only authority which he has used, and knows, is hard to believe, when on page 222, following, of this same report above cited, part third, appears the following translation of Bishop Veniaminov's account of this killing, which was originally published in St. Petersburg, 1839, by Von Baer, to wit:

"The taking of fur seals commenced in the latter days of September. \* \* \* The siekatchie (bulls) and old females (i. e., two years and older) having been removed, the others are divided into small squads and are carefully driven to the place where they are to be killed, sometimes more than 10 versts distant. \* \* \*

"When brought to the killing grounds they are rested for an hour or more, according to circumstances, and then killed with a club. \* \* \* Of those one year old, the males are separated from the females and killed; the latter are driven carefully back to the beach."

Here is the explicit, clear cut statement made by Veniaminov, who, writing in 1825, after a season spent on St. Pauls Island, denies Dr. Jordan's assertion that the Russians killed male and female seals alike, and that that killing of females destroyed the herd.

And still worse for Dr. Jordan, this translation quoted, was made by Leonhard Stejneger, one of Dr. Jordan's own associates on the Seal Islands, in 1896-97.

I do know that. I have it from hundreds of authorities on the islands.

Do you wonder now, Mr. Chairman, why Bishop Shaishnikov begged me to omit the salient untruths which were bound up with truths in Veniaminov's chapter?

Please take note of the following fairly grotesque fiction put up in this connection, and soberly brought in to you as an "official report" by Mr. Clark. He testifies, February 24, 1914, to wit:

MR. CLARK. \* \* \* As to disturbances of the females I wish to cite this description of the Russian methods of sealing, Zon's MS., 23 (363):

"After having chosen favorable weather, and wind, irrespective of the time of day, all inhabitants, men, women, and children arm themselves with small clubs, with which they can kill seals, and walk in a line along the shore on which the seals are lying. Having cut off their retreat to the sea, they drive all the seals, without discrimination inland. After having driven them some distance, they stop them and begin to separate mother seals and siekatchie, the latter very seldom present. The old mother seals, which have already been driven in this way, as soon as they notice a passage to the sea go by themselves, but the young mother seals can not be driven from the herd at all, where are found their young. Such of necessity are driven to the very killing ground. When the killing of the seals begins, some of these mother seals defend their children, and lie for a long time over the killed ones, so that it is necessary to use force to drive them to the sea."

THE CHAIRMAN. They had the same habits then that they have now?

MR. CLARK. Yes. And all these animals, young and old, are driven up in this heterogeneous mass, and then culled over, and I wish I could draw a picture of injury to mothers and young that must have been done on the killing field."

Here you have, Mr. Chairman, the very limit of self-confessed nonsense and untruth in redriving seals as above cited to you from Veniaminov. Here you have Mr. Clark, with all his "expert" knowledge, putting this absurd relation up to this committee as a fact of his own belief!

Why, only think of it! Here is a picture of "all the women and children" with the "men," actually driving the bulls, cows, and pups up from a rookery over to the killing grounds; i. e., he wants you to believe that men would have "women and children" to help them do such a job. Why, the very absurdity of the idea ought to come to Clark's mind instantly, if he was sane. If such a job was being done, no "women or children" could or would be in that line between those breeding seals and the sea.

But Veniaminov in truth and in fact was not describing the driving from a rookery or breeding ground; he was describing the manner in

which the natives "men, women, and children," easily run along between the surf wash, and the bachelor seals on the sea margins of the hauling grounds, and without the slightest use of clubs or force, turn the timid hollus chickie, the older and vagrant bulls, and the "pups" or "small seals" or yearlings, up and away from going pell-mell into the water.

I describe this very driving as it was done early in the season on St. Paul, at length, in my Monograph of the Seal Islands, 1882, page 71, and tell you that—

During May and June large bodies of the young bachelor seals do not haul up on land very far from the water—a few rods at the most—and when these first arrivals are sought after the natives, in capturing them, are obliged to approach slyly and run quickly between the dozing seals and the surf, before they can take alarm and bolt into the sea, etc.

Therefore, Mr. Chairman, it was these self-confessed misstatements of the work which Veniaminov was describing which caused me to omit the worst of them, while, as for most of the lesser errors, I put them in; as for instance, on page 143, (Mono. Seal Islands, 1882) Veniaminov says:

Females in the twelve or eighteen years next after their birth must become less in numbers from natural causes and by the twenty-second year of their lives they must become quite useless for breeding.

and on page 141:

It is without doubt that female seals do not begin to bear young before their fifth year, i. e., the next four years after the one of their birth, and not in the third or fourth year. This, however, is not the rule, but the exception.

To make it more apparent that females can not bear young in their third year, consider 2-year-old females and compare them with siekatchie (adult bulls) and cows (adult females) and it will be evident to all that this is impossible.

Yet this queer, rambling nonsense is gravely cited to you by Jordan and Clark as reliable Russian "authority," which I do not admit. Do you wonder that I washed my hands of any indorsement of it, on page 143? If you still have any doubt of the wisdom of my action, I will add the following, and then I am sure, you will understand the good reason.

On page 141 of my Monograph of the Seal Islands, I quote Veniaminov:

Do the females bear young every year, and how often in their lives do they bring forth?

To settle this question is very difficult for it is impossible to make any observations upon their movements; but I think that the females in their younger years (or prime) bring forth every year, and as they get older, every other year; thus according to people accustomed to them, they may each bring forth in their whole lives from ten to fifteen young and even more, etc.

Now, Mr. Chairman, do you wonder why I made the following review of this particular chapter of Veniaminov, on page 143, Monograph of the Seal Islands, to wit:

I translate this chapter of Veniaminov's without abridgment, although it is full of errors, to show that while the Russians gave this matter evidently much thought at headquarters, yet they failed to send some one on to the ground who, by first making himself acquainted with the habits of the seals, etc.

One word further with regard to this "killing of males and females alike" on the breeding grounds which Mr. Clark wants you to believe Veniaminov is "the authority for." I desire to draw your attention to the following quotation which I have translated in my Monograph

from his Zapieskie ob Ooonalashkenskaho Otdayla; St. Petersburg; 1842, to wit:

On page 147, Monograph of the Seal Islands, is the following clear and positive statements that the Russians did not kill males and females alike, as Clark asserts Veniaminov is the "authority" for such statement. Veniaminov says:

"There were eyewitnesses to the reason for this diminution of the seals, and it is only wonderful besides that they are still existing, as they have been treated almost without mercy so many years. The cows produce only one pup each every year. They have known deadly enemies and also are exposed to many foes unknown. From this killing of the seals they steadily grew less. \* \* \* On one occasion a drive was made of 15,000 male and female seals, but the night was dark and it was not practicable to separate the cows from the males, and they were therefore allowed to stand over until daylight should come. The men put in charge of the herding of the drove were careless, and the seals took advantage of this 'negligence,' etc., and 'escaped,' etc."

If Veniaminov is "authority," then take him as such when he tells you that this drive of "15,000 male and female seals" was to be separated "cows from males" before killing. That this was a drive of "yearlings" or "small pup" seals goes without saying. It was not a "heterogeneous mass of cows, bulls, and pups" driven up from a "breeding rookery," as Clark has untruthfully declared Veniaminov's meaning to be; they were *yearlings* from the hauling ground, just as they were driven under Clark's eyes in 1909, and which he has so well described in his 1909 report!

There was no separation of those yearling seals under his eyes, or under any other man's eyes. That was what Veniaminov was crying out against here; that is the "cruel and wicked treatment" that these seals were receiving from the Russians in 1804-1834, as Veniaminov asserts, just as our seals received it from the lessees under Mr. Clark's eyes in 1909; that is what the old Bishop was talking about.

Since the truth should be known now to your committee, as to what that early Russian record of killing was on the islands, I will insert here as part of my sworn testimony the following record of it given to me at Oonalashka, in 1874, by Kazaen Shaishnikov's son, Bishop Innokenty:

Shaishnikov is the man who had charge of all this Russian killing on St. Paul Island from 1808 to the year of his death thereon, in 1854. This record given to me, as quoted below, I desired to incorporate in my *Mono. Seal Islands, 10th Census U. S. A., 1881*, but the censor of that publication limited me to 175 pages. I could not get it in, and so it was omitted, together with much more data which I wished to print. I submitted the following copy to the House Committee on Foreign Affairs, January 4, 1912, and it comes in now at this point exactly right to make the record clear as to what Veniaminov really did see and meant to publish.

MR. WATKINS. Where did Veniaminov get his information—from personal knowledge or from what he learned from other people?

MR. ELLIOTT. Well, he had gotten it from all round. He was on the islands a few weeks in 1825. He came there in June, consecrated a church, and went away on the R. A. Co.'s sailing vessel that left early in September. This is a mixture of truth and romance which he rolls up in a chapter of his *Ooonalashkenskabo Otdayla, St. Petersburg, 1842*.

Now, Mr. Chairman, I want to insert right here, the statement that I made before the House Committee on Foreign Affairs, January 4, 1912, by incorporating my original notes as published in this hearing.



I will not read it because I have given you an outline, unless you desire me to do so. It is not necessary, because I have given you a sketch of it.

HOUSE OF REPRESENTATIVES, WASHINGTON, D. C.,  
HOUSE COMMITTEE ON FOREIGN AFFAIRS,  
January 4, 1912.

AFTER RECESS.

The committee met, pursuant to the taking of a recess, at 1.30 o'clock p. m.

**STATEMENT OF PROF. HENRY W. ELLIOTT, OF CLEVELAND, OHIO—  
Resumed.**

Mr. ELLIOTT. At the close of the season of 1818 the Russian agent in charge of the Pribilof Islands—Kazean Shaishnikov—sent an earnest report to the governor of the Russian-American Co., at Sitka, telling him that, in spite of the utmost effort on his part, it was impossible for him to secure the number of choice male skins which he had been ordered to take. He urged a rest from that killing for a term of years, saying that he feared if it was not so ordered that the seal herds would be destroyed—would “sofftsem ooshall,” or depart entirely.

Mr. Chairman, I want to submit here an inside light on that Russian work, taken from the letters of this man, exhibited to me in the house of his son, at Unalaska, September 2, 1874. I will not read all these excerpts which I made. I ask that this be put in the record, because they are the first exhibits of this inside work on those islands that have ever been made, and they throw a flood of light on the subject. I was on the *Reliance*, United States revenue marine, which was under my orders, Capt. Baker commanding, that summer. I submit this as Exhibit G, because it bears out entirely what I am saying here to-day. These are my original transcripts, and they are not copied, but submitted exactly as I made them, as stated, nearly 38 years ago:

EXHIBIT G.

*The Russian methods of killing and shipping—Fur-seal islands, 1786–1867.*

FATHER SHAISHNIKOV'S HOUSE,  
Unalaska, September 2, 1874.

“Yes, Mr. Elliott, I can tell you much, because my father was a bidarshik on St. Paul Island from 1804 until he died there in 1856. I was born there on St. Paul island at Zapadnie in 1808, and I was educated at Sitka for the priesthood, leaving the island when I was 15 years old.

“My father, Kazean Shaishnikov, was born at Kodiak in 1786; he was instructed there in the church school so well that when he was 20 years old he was sent up to St. Paul Island by the governor of the company to serve as a “bidarshik” (foreman) and as a subpriest or lay deacon in the new church just established there. He remained there serving in this capacity until his death in 1856; he was so highly thought of by the company that they always paid all of the expenses of his visits to Sitka and Unalaska and all my school charges and costs. It was my father's protest in 1834 that stopped the killing on St. Paul Island. If it had not been for him and the respect which they had for him at Sitka, I truly aver that not one fur seal would have been left alive on those islands—yes—I will tell you, be patient—I can not talk any English, and you can not understand me unless I am slow and careful in speech. Yes, you may set it all down; it is my word and of which I know, and of which, also, I have the writings.

“It is true that Pribilof discovered the islands, sailing out from this harbor in 1786, but he was only a ship's mate, in the employ of the merchant, Simeon Laybedev; he never did any work on the islands; he was a navigator, and died at Sitka in 1826 on his ship, the *Three Saints*. At least twelve or thirteen different companies began to work on the islands in 1787–88. They took up to the islands nearly every Aleutian sea-otter hunter that was alive there on this island, and many from the other islands around us. They lived in skin tents or shelter during the sealing season, and then most of them came back in November to their homes for the winter, leaving only a few men, women, and children on the seal islands to await their return in the following spring. In this fashion, you understand, a large number of Aleuts lived on the islands every sealing season then, and yet built few houses. That accounts for the absence of ruined habitations which you have asked me about. I should say that



on an average there were at least 400 engaged on these islands every season from the beginning of this work in 1787 with the old company, and Baranov put them off in 1799-1800.

"Then the company resolved to colonize the islands and have the workmen's families live up there with them, so as to avoid this constant uncertainty of the shipment of hunters to the islands every year. So in 1800 the first permanent habitations were made by the natives for homes and by the company for agents' dwellings, and the first churches were consecrated on both islands. Most of these early people were on St. Paul Island just as you see them now.

"Taking sealskins in those days was very different work from what you have been watching. Every hunter had to daily stretch and air-dry all the skins he took. This process made the work very slow then compared to what it is now. No one used salt, and no one could have used salt even had they known how in those days, since the Chinese market was the only one then open for sealskins, and then buyers wanted the parchment skins, which they tanned and wore without plucking.

"When all of these men rushed into the work after Pribilov's discovery, they quickly saw and as quickly agreed among themselves that they must not and would not destroy the breeding seals. They saw that they could get vast numbers of holluschickie and many young females without disturbing the rookeries. This satisfied them and they kept the agreement among themselves faithfully. It was the only thing that they did agree upon, for a more quarrelsome, greedy set of managers never got together.

"Every energy was put out in getting the skins, and immense numbers were taken. There is no count or record made of what the number was annually taken by them. They did not tell one another, and each trader's only concern was to get his season's catch safely off from the islands, and as safely laid down at Petropavlovsk, when the skins met the Siberian buyers for the Chinese market at Kiachta. I have heard my father say that it is a good day's work for a man to prepare 30 parchment sealskins, for the stretching and placing of the frames involve much time and frequently stripping. You can get some idea of what 400 men might do on this basis. They could make between 1,000 and 1,200 skins a day. Take June, July, August, September, and October, into about 20th November, you will have about 120 to 130 working days at the most, and that would give a result of some 130,000 to 150,000 skins for their season's work. I am inclined to believe that this is all that they could handle or did get at best, and very likely they did not get so many, or if they did, many hundreds if not thousands of skins were spoiled in preparation. In spite of this immense annual catch of seals, no legend comes down to me of any scarcity of the supply while these hunters worked the islands from 1787 up to 1799, which was the last season they had this opportunity. Baranov lost no time in getting rid of them as soon as the imperial authority from St. Petersburg came to him as governor of the Russia-America Co.

"As to the manner of driving seals for the killing on these islands, I assure you that the breeding seals were never disturbed seriously on any of the rookeries and never have been in the slightest degree worked by the old company. They all drove in the past as you have seen them drive on the islands this summer, but with this marked difference: Now 100,000 skins can be at once cured within a week or 10 days from the knife. Then it required the labor of 400 men to cure such a catch in "parchment" or "laftak" shape, all through June, July, August, September, and October annually. Now it is all done between the 14th of June and the 1st of August in the salt kenches.

"This necessity of getting only a few skins daily in the past, so as to properly cure them, made it imperative to continue the daily work all through the season of four or five months. In this manner a great many cows would be swept into the drives every August, September, and October, since the breeding season on the rookeries ends by the middle of August, and then the cows often stray over into the path of the drivers. Of course a good many cows were taken in this way, but you will clearly perceive that it was unavoidable, and that the breeding grounds were never disturbed. You call it "enlightened selfishness"? Well, I hardly understand it that way. It was fear of one another that caused them to live up to this agreement of theirs not to disturb the breeding grounds in their time, and it was fairly forced upon the old company by the evidence of swift diminution of this life as early as 1804, 1805, or soon after it took sole charge.

"As to the number of seals in the past and earliest working of the islands, have you asked the old natives on St. Paul about it?" (I then read my notes of the conferences of July, 1872, to him.)

"You have done direct what I was going to tell you to do. Those men are the only ones now living who know anything at all about the subject. No one survives here.

"When my father first went up there in 1804 he was assured by the natives that the seals were becoming less and less every season, and that there were not then near so many

as at some time previous. He at first was not much aroused by the complaint, because he saw a vast concourse of seals, and it was not until 1808 that he became himself fully aware of the significance of the lament of the natives. He saw a great falling off from 1804 to 1808, and made it the subject of a long letter to the church at Sitka and united with the agent on the islands to stop the killing for awhile. It was held up on St. Paul two years and resumed in 1810, but no great good came of the "zapooksa," or rest. By 1818 the loss of life was so apparent that a still more urgent letter of remonstrance was sent down to Sitka from my father. The governor at Sitka sent it to the directors of the company at St. Petersburg, and in the spring of 1819 Capt. Yanovsky came up from Sitka charged by the directors to make a full examination into my father's complaint. He passed the entire summer on St. Paul Island, and when he went down with his report in November he left my father a letter telling him that in every respect was he in full accord with the remonstrance and that he was going to ask that my father's wish to suspend all killing on the island for a few years be met by the board. Yanovsky did so report, but the directors were not willing to let up even for one season, even though they did not question the truth of Yanovsky's report and the sense of his recommendations.

"Well, you know the result. In 1834 my father again was compelled to make a third protest. He showed them at Sitka that there were only a few thousands of seals left alive, and that if the order to kill was not suspended at once and indefinitely their complete extinction was close at hand. He had in this third attempt the powerful friendship of Bishop Veniaminov, who was then at Sitka, and he succeeded in getting the killing stopped. It was just in time.

"I have here copies of all the letters which my father wrote, both to the head office at Sitka and to the bishop, which tell the whole story of this business from 1808 down to the death of father in 1856. There are also some letters of Veniaminov, in reply and in question, to my father in that box.

"I can not let you take them to Washington—no; something might happen; for not only the seals are written about, but church affairs are also discussed in confidence between them. You may read them all through here and copy the fur-seal matters. You know I am head priest of this Unalaskan district, and it might hurt me were these letters to be published. There are very jealous and envious men in our church, and I do not want to give them any cause to complain of me.

"I am sorry that I am unable to part with these letters; yet I can tell you all that they contain about the seals, because I have read them many times, and what they show is well known to me; ask—ask me; what I know I am glad to tell.

"Oh, they did not care much about the seals then, when the company first came in. It was all sea otter. "Get otters, get otters," was the order of Baronov, and nothing was said about seals then. Why? Because a sea-otter skin was worth 50 to 100 roubles, and a fur seal not over 6 or 7 roubles. There were a great many sea otters then; thousands of them then where we have none to-day. So you see there was little attention given by the company to the numbers or the condition of the fur seals on the islands; indeed, Baronov was so indifferent to them that he never went up to the islands, although he was politely urged to go by my father in 1808, when he saw that the seals were growing less and less. Baronov was the best governor the company ever had, and only on account of his age and high temper was he removed in 1814.

"No; it is not known how many seals, at any time, there were on these islands; you have given the first figures I have ever known. The Russians did not even estimate their numbers; they just said "extraordinary number—plenty, plenty." That's all I have ever heard when there were all that they wanted for their requisition, and "very few—very, very little" when they order a "zapooksa" (rest). If it had been sea-otter life, they would have known; yes, indeed; they would have known it all. Why, the sea-lion and walrus skins and guts and throats were as important—even more important—to the old company then as were the seals—more so, I verily believe, because we could not go sea-otter hunting without sea-lion or walrus "laftak" to make the bidarkas with, and Baranov had every Aleut driven into that work 'way down to Sitka by 1810.

"In 1800, when the company began, the requisition never was greater than 40,000 to 50,000 skins on St. Paul and 20,000 on St. George, so the Stareeks say—not half so many as carried away every season. There was no trouble about getting this quota every year until 1807; then, instead of "making this quota," only about half that number was gathered. My father was alarmed, and he, as I told you, wrote a long letter to the church at Kodiak and to the governor, Baranov, at Sitka, and told them that such "hard toiling had had at last its effect; the seals must have a rest (zapooksa)." Baranov ordered the killing on St. Paul to stop in 1808, and he let more than half of the Aleuts go down to visit their relatives in Unalaska—just kept up the sea-lion and walrus work of that year and the next (1809). Then, in 1810, the killing was

resumed, but the seals of the old time were missing. I have told you before how my father complained again, and how, in 1819, Capt. Yahnovsky came up to the islands. He was the guest of my father, who gave his house up to him and his servants. He was deeply moved by what he saw. He was up there from June until late in October, watching the work. I told you that he saw things just as my father said they were, and he tried hard in his report to get the directors to agree with him for a zapooska, for, he said, if they continued to drive all of the choice young male seals to slaughter, as they had been doing there, that the species would become extinct.

"Why was his advice ignored? Ah, Mr. Elliott, Capt. Yahnovsky was high in the court circles of St. Petersburg. He did not have so much influence, however, as others who were there, too. The times were getting hard for the company; it was failing to make money by reason of the failure of the sea-otter chase; it needed money badly to meet the demands of the investors in its stock who were also members of the Imperial Government. That is the cause of Yahnovsky's failure to have his way. Baranov was getting old and worried over the loss of money to the company, so he was removed. His successors were also worried about money; so instead of resting these seals, in 1820, they resumed the killing, and continued to get everything that they could secure up to the close of 1821.

"Then my father saw that the natives would not have anything to do or live upon in 1822, as the sealing and walrus work was gone, too, if the company determined to continue the killing. He resolved even at the risk of the displeasure of the authorities to tell the truth and insist upon a zapooska for the small number of seals that were left. He also wrote to Bishop Veniaminov at the same time, telling him the sad condition of the rookeries, and urged him to see the governor (Moorayvev) and give orders to have a zapooska made at once, and to let about half of the natives return to Unalaska, where they could live easier, since there was always an abundance of fish there, and that food supply is very uncertain to get in the Seal Islands all through the year.

"Moorayvev was a merciful and enlightened man, and in spite of the fact that the treasury of the company was empty, he gave the order to stop all killing in St. Paul Island above 10,000 and on St. George above 600 until the directors should be finally heard from. This relief for the seals, the first real relief that had been given them since a short zapooska of 1808-1810, was due entirely to the prayers of the good bishop and my father's letter.

"Capt. Yahnovsky and Bishop Veniaminov are the only high officials who ever visited the Seal Islands. Gen. Resanov was there in 1804 for a few hours only. He came ashore at Bay Zapadniye and looked at the seals, and the natives told him then that the seals were surely getting fewer and fewer every year. He was our minister to Japan and charged with the examination into the affairs of the company by the Imperial Government. Baranov was making a great many jealous at court by his energy and zeal, and Russia was to see if their charges were well placed. Among other charges was the one that Baranov was regulating the Seal Islands and not getting as many seals as he ought, thus losing money for the stockholders of the company. Gen. Resanov promptly acquitted Baranov of that charge and nearly everything else of that sort. Resanov reported that too many seals were being killed, and urged a diminution of the killing.

"It was a great event in the lives of those natives, that visit of Gen. Resanov in a warship. He was a fine-looking man, and the old natives used to tell my father that the smell of the carcasses on the killing ground made him sick soon after he stood there, and that made his visit a short one, to their exceeding regret. My father never saw him, for the general came in July and father came up in the November following.

"From that time until Capt. Yahnovsky came to the islands nothing was done in the way of sending a commissioner to the islands. Resanov did manage by great effort at St. Petersburg to get a rest for the seals in St. Paul in 1808-1810—two years—too short a time, but the directors again demanded skins, and Baranov did not care, so the killing was resumed, but they never could get as many as he wanted, and he had to so report. Then the directors at St. Petersburg resolved to send some one up there whom they could all trust in the court. As Capt. Yahnovsky was chosen, he arrived at Sitka the autumn of 1818, and presented his letter to the governor. Moorayvev was glad he came, because he knew that my father was telling him the truth about the seals, and that his (Moorayvev) word was doubted in St. Petersburg.

"Capt. Yahnovsky came up to St. Paul in the May month, 1819. He was a very quiet man, and asked questions all the time. He was on the seal grounds every working day, and made notes, notes, notes, which my father says he wrote down every day. He spent the whole season in St. Paul, only going over to St. George once, and not remaining there long. He said that the business over there was just

the same as at St. Paul, only not so many seals, and—no, my father did not go over there with him. Why? Because the St. George work was always kept by itself—had its own books without any connection with the business on St. Paul. This was so ordered at the start by the old company and never departed from until your people took the islands. Why? Because Baranov thought it best to stimulate rivalry between the work on the islands by making each one strive to do better every year than the other. It may have been good business management, if such rivalry did not hurt the seals, but it did hurt them—it destroyed them.

“When Capt. Yahnovsky finished and left the islands in November he gave my father a handsome letter, assuring him of his regard and praising him for the truthful and intelligent information which he had secured from him. At Sitka, in February, Yahnovsky prepared his report and sent it to the directors. He did not go home with it, unfortunately for the seals, because he had other investigations of the company’s work to make.

“Well, the directors did not comply with Yahnovsky’s recommendation that the killing be stopped altogether—they complimented him, but made no change in their requisitions. Then Moorayvev, who was very much stirred up at Sitka by the condition of affairs on the island because he himself went up in 1820, after Yahnovsky’s wish was made known to him, and there saw for himself the truth; he decided to rest the seals in 1823, and ordered that no attempt to get more than 10,000 be made then (1823), and for the next year’s catch the result of the sealing in 1823 would determine; in spite of all they hoped for the seals grew fewer, and the small catch of 8,000 or 10,000 was again ordered for 1824, 1825, and 1826; then an attempt in 1827 was made to get 40,000, and though all possible effort was made, not quite 28,000 seals were secured.

“The same close killing was made in 1828, and continued to the close of 1834, when barely 12,000 small seals could be secured. My father saw that the end of this work was close at hand unless the seals had a chance to live and naturally increase. So, when he sent his report down to the chief manager at Sitka, together with the season’s catch, November 12, he said that in spite of his utmost efforts he had been able to get only 12,000 skins instead of the 32,000 asked for. He closed this letter by saying that, in his best judgment, it was not safe to kill any more seals for several years to come, since the male life was on the near approach to complete extinction; he had to do this in humble and respectful language; you know that the management was—what you call it? Irresponsible? No, “autocratic”? Yes; that is it. It was always obedience to orders and no questions about them; that was the style of the management, and my father was trained to it.

“No copy of Yahnovsky’s report was ever filed in Sitka, or with the papers of that office; it was a special report and for the directors at St. Petersburg. No, you will not find anything about it in Techmainov’s big book which I have here, and all that appears relative to that work of Yahnovsky is a short letter of the directors [showing it], dated St. Petersburg, March 15, 1821, which denies Capt. Yahnovsky’s recommendation, and is addressed to Gen. Moorayvev at Sitka. No, it is not strange that Yahnovsky’s report was not filed with other papers at Sitka. It was a secret report for the information of the board, and which the board had secretly ordered. Your report that you are making is a public report, and it can not be hidden or suppressed. You see, the old company was in difficulty for money, and the Imperial Government was being pressed by the stockholders for money which was due and not paid for years back. Yahnovsky’s report, which showed the danger ahead to the value of that industry, was not the sort of a paper to make public under the circumstances, because it was none of the public’s business and would only have made more trouble for the board.

“For this same reason my father’s letters, always telling of loss and danger to the seals, were not allowed to be published by the secretary of the company, and you will not find one of them in this big history of the company (Techmainov’s). Yes, Techmainov is the only man who had access to the company’s papers, and the only one who has written anything about the company based upon facts.

“Yes, Veniaminov got his facts and figures all from my father. You know my father had a dual office; he was the “bidarshik” and also the deacon or lay priest on St. Paul; every year or other year sometimes, a full ordained priest would visit the islands and marry the people and perform other functions which the deacon could not do. But as a lay priest my father had to make an annual report to the bishop at Kodiak or Sitka, and in that way he became well known to the church authorities. The condition of the church on St. Paul depended for good or bad upon the condition of the sealing business; if plenty of seals, then the church was self-supporting; if seals were scarce, then the church needed help. So my father’s letters always told about the seals, and Bishop Veniaminov got deeply interested in them and encouraged my father to con-

tinue his notes and observations. This good man became so interested in the seals that he came up to St. Paul one June (1825) and stayed there until September, all the time engrossed with watching the seals. And since then up to the day of my father's death, in 1856, every year a letter about the island affairs and the seals was sent to the bishop by him. The work of Veniaminov closed in 1837, and was published at St. Petersburg in 1842. Bishop Veniaminov is now the Metropolitan at Moscow (i. e., the primate of the Greek Catholic Church in all Russia).

"That counting of the seals was done. I know that it seems positively incredible to-day, and does not appear right, but I have heard the story so often, and I myself saw the well-nigh destroyed "laasbustchie" (rookeries) in 1837, two seasons after the zapooska began. I could have counted them all then, one by one, myself. Yes, it is a true story as published by Veniaminov."

I then told him about the ice story and asked him how he reconciled this account of the natives with Veniaminov's silence on that score and his figures of the killing for 1835, et seq.

"Did they tell you that? Are you sure you understood or they understood you? It is laughable. I never heard it that way before—my father never said so. No; there is some mistake. We have had several seasons when the summers were late and ice floes hung around the islands to July, but this never interfered with the bulls acoming; only delayed the early landing of the holluschickie; and as to Veniaminov's figures of killing, I don't know—I can not say. I do know that no skins were taken on these islands in 1835, for none came down to Sitka. I was there then and I know it well. My father's letters also said so. They took several thousand pups (male pups) for food in November, 1835—that's all. Their skins are not salable. It was this way for eight or nine years.

"It is a great pity, and it makes me unhappy when I think of it, that my father's daily journal was destroyed by my brother. It was a distressing affair to me then and it distresses me now. To have such a loss inflicted in such a manner was horrible. It was this way: Paul was very drunk and he did not realize the sin and the shame of what he was doing. \* \* \* That is a good reason, certainly, for my willingness to let these papers which I possess go out of my hands, alone, to say naught of the reasons which I have given to you. But I have heard so much of this zapooska on the seal islands, and know myself so much, that you need not doubt the fact. The killing of the holluschickie upon St. Paul was entirely stopped in 1835—none were killed.

"Little by little the killing was increased from 1835 until, in 1845, 9,000 holluschickie were taken, and in 1855 35,000 were safely taken, gradually increased, and carefully watching the rookeries as it was done. By 1857 45,000 were easily secured on St. Paul and 15,000 or 20,000 on St. George—all the company wanted—and since then there has been taken annually up to the coming of your people in 1868, about 70,000 or 75,000 holluschickie. The rookeries have since 1857 been just so large and no larger than you see them now, and the old natives say there never were any more seals on these islands than there are now.

"The old company has never taken 100,000 skins in any one year of its operations; it was satisfied in getting 60,000 to 75,000 skins a year at the most; in 1867 the church records on both islands show that 40,000 were taken on St. Paul and 20,000 on St. George; of these 10,000 or 15,000 of the smaller ones were used in the colony (i. e., Alaska); the "colonial skins" were all made into parchment and used for clothing and bedding in the settlements. The salted skins were for London and New York. The Chinese fur-seal trade since 1846 has been supplied from the Kommander Islands and the Kuril. I don't think I know anything worth talking on about those islands.

"As to the manner in which the natives drive now and skin seals, I do not see any difference between it and the methods of the old time, only this: Now you get all of these skins at once—in a few weeks; then we could not, as I have explained why; during the last part of the old company's time, i. e., from 1846 to 1867, most of the catch was then taken and cured in salt, just as you do now, and it was all done in June and July, with a few thousand always left over to make in October, so that the natives could have the carcasses for winter food. It was then just about the same in every respect of management of the work in 1846 as it is now (1872), only you are taking more skins than the old company took. You pay the natives more and more, and they are better housed; they are much better off than ever before. Yes, in every respect the natives are better off. But as for the seals, the change is no better for them. Is it worse? Time, and time alone, can tell; we shall see.

"The old company in making parchment skins was never able to ship all of its catch in any one season from the islands, as the catch is shipped now. It found that waiting in a ship around the islands after October was dangerous, and severe loss had attended the practice. So in this way there were always many thousands of skins "made" and making on the islands, stored in the serais. Yes; I know that Techmainov, in



his history of the company, says that between 1801 and 1804 the old company had accumulated 800,000, many of which were spoiled, cut, and thrown into the sea, and all that. But my father has said that no skins were ever wasted in this way. He had repeatedly heard the full story of the work done by the employees prior to his arrival on the island in 1804; the most that they could take with the men they had was not to exceed 40,000 parchment skins on St. Paul; four such seasons would only show 160,000 skins, even if they were all allowed to lay in the serais at Kodiak. That is a mistake—a big one—and I do not understand where he gets the facts; he does not print them. In all the time of their occupation (about 14 years), with 400 workmen between them against the 45 or 50 which the company retained, even then the employees never could get more than 120,000 to 150,000 skins made up in any one season, and they never left anything behind them.

"There were usually 25,000 to 30,000 skins holding over on the islands in the serais there and perhaps as many more in the serais at Kodiak or Sitka. It was not possible to have any more in stock at any one time on account of the bulk of such a number of bales for safe stowage, to guard against injury. But 800,000 skins accumulated at Sitka or Kodiak! Why, it would take six or eight big warehouses. No; its an error—a great one—and it is a strange one to get in such a book, but Techmainov was only hired man. He wrote the book for the company's use to help them to renew their charter at St. Petersburg; it is full of mistakes."

## 13.

"Oh, yes; I know that Veniaminov has first said this, but see he also says that 'up to 1817 I have no knowledge to rely upon' " (showing the page in the *Zapieskie*). I myself think that this statemnt, qualified as it is here by Veniaminov, must have been one of those legends of the wanton waste and excessive slaughter which had been more or less impressed by repetition as the truth, and so used by the bishop. Techmainov unquestionably took it from the *Zapieskie*, for he never found any such evidence in the company's lists or books.

"Baron Nikolai Resanov, the Emperor Paul's great friend, and ambassador to Japan. He married Shelikov's daughter in 1793, and always took a deep interest in the business of the company after that, naturally. Shelikov died in 1796. Resanov died young, on his way back overland from the colony at Krasnoyarsk, Siberia, in August, 1806. He was the man who got the charter for the Russian American Co. from the Government; nobody else could have done it."

"Lieut. Vassilie Yahnovsky, imperial navy; a young man about 28 or 30 years old. When in the colony, the directors and Hagemeister and Moorayviev thought very highly of him. He acted as governor from 1818 until 1820 by appointment of Hagemeister, pending the action of the directors, who sent Capt. Michael Nicolai Moorayviev, of the imperial navy, over in 1820 to be chief manager. This man was very intelligent and in his desire to save the seals and other business of the company he often disobeyed the directors' instructions. For that reason the directors removed him in 1828, and sent Capt. Chestyahkov out to take the place."

"Father Ioann Veniaminov, "a priest here at Oonalashka," just as I am now, "from 1814 until 1839, when he was made the bishop of all Russian America, including the Ochostk and Kamchatka districts. In 1842 he was called by the Holy Synod to the head of our church, where he now is. He was born in 1792 near Kief, and so you observe that he is an old man now. He was beloved by everyone—the natives, the company men, and the high officers all revered him. He was a large, fine-looking man, with a smooth, sweet voice like the low notes of an organ. He was the wisest and the best man in all these colonies, and he stood between the seals and the company so firmly that the zapooskai of 1835–1845 was made. It never would have been made or continued but for him. I have his picture here, which he sent to my father from Sitka. See, and these our letters."

(*Note, September 2, 1874.*)

U. S. REVENUE MARINE CUTTER "RELIANCE,"  
Oonalashka Harbor.

"I have passed all of this day with Father Innokenti Shaishnikov, who was courtesy and willingness personified in his desire to aid me in getting full information as to the past condition of the fur-seal herd on the Pribilof Islands. With his permission and in his presence, at his house, I have made the inclosed longhand notes of his answers to my questions.

"I want to record here the fact that the package or bundle of letters which he refers to are written in Russian script, and very clearly and legibly, so that, indifferent as

my ability is to read written Russian, I had no difficulty in perusing them, but to go all through them and select only that which touches on the fur-seal business would certainly take two or three weeks of my time, and I have only one day from date to spend in this place. There must be at least 100 of these letters; some of them are 14 and 15 pages of neatly and closely written script. Shaishnikov's letters, as far as I looked into them, are devoted, first, in chief to the church business and the personal details of the natives' association with it; second, to the sealing work, coming and going of the vessels, losses of cargoes, spoiling of skins (in parchment); and, third, least though most important, he gives in some of these letters accounts of the seal life and its ebb and flow.

"These letters prior to 1825 inspired Bishop Veniaminov to spend one whole summer on St. Pauls Island as the guest of Shaishnikov, and undoubtedly caused the bishop to use his great office in helping stop all killing by the Russian Co. in 1835 for a period of nearly or quite 10 years upon Shaishnikov's urgent recommendation sent down from St. Paul in November, 1834.

"HENRY W. ELLIOTT."

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"Zapooska, 1835"—(Shaishnikov's letter.)

[Addressed to "His Excellency Gov. Wrangell." (Baron Ferdinand P. Wrangell.) "Novo Arkengelsk" (R. A.), (or "Sitka"). (Chief manager R. A. Co.).]

"ISLAND OF ST. PAUL, November 2, 1834."

(Announces the arrival of the *Yalena* with the supplies on the 20th October and acknowledges receipt of the same in detail.)

"I am very sorry to say that with all possible exertion I have been able to secure only 12,000 skins, as against the 32,000 required of me. The people have been diligent and faithful, and they have taken everyone as it landed this season, with the exception of 8,000 "molodets," which I have spared for seed on the breeding grounds. I have made this saving because I know by actual counting that only 7,000 cows and bulls are now left alive on the 'laasbuschie'; such is the unhappy condition of this business at the end of this season. In view of this great extremity of the seals, I most humbly and obediently advise that your excellency prohibit the killing of seals on this island next season, because I assure you that it is not safe to kill any more young male seals for several seasons to come; and also, another good reason for this rest from killing is that even if you do order the work, I can not get more than 5,000 or perhaps 7,000 small seals in 1835, and getting them will, I am sure, result in complete ruin and destruction of the rookeries; nothing will be left to propagate the species.

"The people are in great distress of mind over the disappearance of the seals, which they say is due to the excessive killing, and in which opinion I am agreed. But this order must prevail next season, no matter whether your excellency orders us to kill seals or not—we must have the same supplies of food and clothing; but it is better yet that most of the people go to Unalaska, where they can get plenty of fish and engage in the chase of the sea otter while resting the seals from slaughter, because with a zapooska we do not need many workmen in this settlement, for there are only a few walrus and sea lions left, and they afford but little work."

(He then recites the requisition of supplies which will be needed for 1835, to come up in the spring of 1835, chiefly cloth, tea, sugar, pickles, flour, hard bread, and "salt butter," a package of red paint for the church, and "2 accadems," "120 gallons vodka," "10 poods tobacco" (no salt meat or anything of the sort asked for, but "20 poods 'eukali' "—dried salmon).)

KAZEAN SHAISHNIKOV."

NOTE.—This letter is a copy in Shaishnikov's manuscript that I have seen to-day and made these extracts. H. W. E.

UNALASKA, September 2, 1874.

In conclusion I desire to give additional evidence of the deliberate attempt made by Mr. Clark to deceive Senators and Members of the Sixty-third Congress in this vital question of the truth in the premises as to how the Russians killed seals between 1804-1834, when they ruined the herd by land slaughter.



Under date of January 3, 1914, he addressed letters to Senators and to Members of Congress, a copy of one of which I submit to the committee, as follows:

LELAND STANFORD JUNIOR UNIVERSITY,  
OFFICE OF THE PRESIDENT,  
Stanford University, Cal., January 3, 1914.

Hon. W. S. GOODWIN,  
*House of Representatives, Washington, D. C.*

MY DEAR SIR: In February, 1912, you made a speech in connection with the fur-seal bill in which you asserted very strongly that the Russians never killed female fur seals; that in fact they held the females and the breeding grounds in a sort of reverential awe. Your views were undoubtedly drawn from a statement of Russian conditions which Mr. Henry W. Elliott has many times placed on record. In a recent report on his investigations last summer Mr. Elliott has reasserted the claim that the Russians never killed anything but males. See Proposition I, page 36, of his 1913 report. He has still more recently sent to the president's office here a further reiteration of this claim, charging Dr. Jordan with falsification of records when he in 1896 attributed the failure of the herd in 1834 to killing of females. In Dr. Jordan's absence I have answered Mr. Elliott's charge, and thinking that it may be of interest to you I am sending herewith a copy of Mr. Elliott's charge and my answer.

Very truly, yours,

GEORGE A. CLARK, *Secretary,*

Inclosures.

I will not read it, but Mr. Clark makes a typewritten copy, commencing on page 185 of hearing No. 1, January 17, 1914, and carries that typewritten copy over to the base of page 186. I will not read that because it is just copied exactly as I have got it here, to wit:

DR. JORDAN DELIBERATELY FALSIFIES THE RUSSIAN RECORD IN RE NOT KILLING FEMALE SEALS.

Dr. Jordan had full knowledge of the fact that the Russian killing of seals from the time the old Russian-American company took charge of the Pribilof herd in 1800, up to the day we received it from them in 1867, never permitted the killing of female seals. He, with that full knowledge in his possession, after holding it for nearly two years, has the following untruthful statement to finally report under date of February 24, 1898, relative to the conduct of this work of killing seals by the Russian management of the herd, to wit:

On page 25, "Fur Seal Investigation: Part I, 1898," under head of "The company's management," he says:

"At once upon assuming control of the Islands, the Russian-American company put a stop to the ruthless slaughter which threatened the fur-seal herds with destruction. \* \* \* They still continued to kill males and females alike. The injury to the herd naturally continued \* \* \*."

That Dr. Jordan could make such a statement in distinct denial of the only authority which he has used, and knows, is hard to believe, when on page 222, following, of this same report above cited, part 3, appears the following translation of Bishop Veniaminov's account of this killing, which was originally published in St. Petersburg, 1839, by Von Baer, to wit:

"The taking of fur seals commenced in the latter days of September. \* \* \* The siekatchie (bulls) and old females (i. e., two years and older) having been removed, the others are divided into small squads and are carefully driven to the place where they are to be killed, sometimes more than 10 versts distant. \* \* \*

"When brought to the killing grounds, they are rested for an hour or more, according to circumstances, and then killed with a club. \* \* \* Of those 1 year old, the males are separated from the females, and killed, the latter are driven carefully back to the beach."

Here is the explicit, clear cut, statement made by Veniaminov, who, writing in 1825, after a season spent on St. Pauls Island, denies Dr. Jordan's assertion that the Russians killed male and female seals alike, and that that killing of females destroyed the herd.

And still worse for Dr. Jordan, this translation quoted was made by Lenhard Stejneger, one of Dr. Jordan's own associates on the seal islands, in 1896-97.

There is but one conclusion for any fair mind in the premises. That the Russians did not kill the female seals, is positively stated by the only authority who has been invoked by Dr. Jordan in the premises, and who has been translated at length in Dr. Jordan's final report, and correctly translated, as above cited.

In this connection it is also passing strange that Dr. Jordan should have gone out of his way to misquote another authority who has explicitly denied killing of female seals by the Russians; on page 25 Jordan's own statement is, "In 1820 Yanovsky, an agent of the Imperial Government, after an inspection of the fur-seal rookeries, called attention to the practice of killing the young animals and leaving only the adults as breeders."

He writes: "If any of the young breeders are not killed by autumn they are sure to be killed in the following spring."

Unfortunately for Dr. Jordan, he has not quoted Yanovsky correctly. He has deliberately suppressed the fact as stated by this Russian agent, and put another and entirely different statement in his mouth, witness the following correct quotation of Yanovsky:

"In his report No. 41, of the 25th February, 1820, Mr. Yanovsky in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, seecatchie, and half seecatch are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed the next spring. The consequence is the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct." (*Appendix to case of United States Fur Seal Arbitration. Letter No. 6, p. 58, Mar. 5, 1821.*)

Think of this deliberate, studied suppression of the fact that the Russians did not kill the female seals thus made by a "scientist" like Dr. Jordan, as above. Why does Dr. Jordan attempt to deceive his Government as to the real cause of that Russian decline of the herd between 1800-1834? Why, indeed, when the truth is so easily brought up to confound him?

He stands convicted out of his own hand of having falsified the record of Russian killing so as to justify the shame and ruin of that work of our own lessees, who are thus shielded by him in his official report to our Government dated February 24, 1898, and published by the Secretary of the Treasury in January, 1898, under title of "Fur Seal Investigations, Parts 1, 2, 3, and 4, 1898."

The substitution of the word "breeders" by Jordan for the word "bachelors" of Yanovsky, is a guilty attempt by the former, to conceal the truth told by the latter, who declares that no females; only young males were killed by the Russians.

"Young breeders" must be males and females, but "young bachelors" can be only males; therefore, Jordan's falsification of Yanovsky was deliberate and studied to deceive as to the Russian record.

HENRY W. ELLIOTT.

December 6, 1913.

Now, here is his "reply," and I want to read it to you, because it is an amazing exhibition.

Reply to Henry W. Elliott's statement entitled "Dr. Jordan deliberately falsifies the Russian record in re not killing female seals." Copy attached.

The statement referred to was mailed to "the president of Stanford University," in the official envelope of the "Committee on Expenditures in the Department of Commerce, House of Representatives, U. S., Washington, D. C." Hence this answer is mailed to each member of that committee.

The writer was secretary of the Bering Sea Commission of 1896-7, and joint author with Dr. Jordan of the part of the report to which Mr. Elliott takes exception.

Mr. Elliott says "Dr. Jordan had full knowledge that the Russian killing of seals \* \* \* never permitted the killing of female seals." He characterizes as "untruthful" the statement in the report of 1896-7 that even under the Russian-American Company the Russians "still continued to kill males and females alike." The statement mentioned applied to the period of Russian control prior to 1835. Mr. Elliott asserts that it is "in distinct denial of the only authority he (Dr. Jordan) used," meaning Bishop Veniaminof.

The commission of 1896-7 (for this is not a matter which concerns Dr. Jordan alone) had two sources of information regarding Veniaminof's writings on the seals. The first of these was a partial translation of the Zapiska article of 1842, published at page 140 ff. of Mr. Elliott's Monograph on the Seal Islands. Mr. Elliott gives what purports to be a translation of the Russian bishop's words. This translation was accepted in

good faith by Dr. Jordan and his colleagues in 1896-7. In paragraph 4, from the bottom of page 140 of this translation occurs this sentence: "Cows were taken in the drives and killed, and were also driven from the rookeries to places where they were slaughtered." This seems to be a very positive record of the killing of females. In the second paragraph from the end of the same page is this statement: "When it was most plainly seen that the seals were, on account of this wicked killing, steadily growing less and less in number, the directions were observed for greater caution in killing grown seals and young females, which came in the droves of killing seals \* \* \*." This is an equally specific charge of the killing of female seals. If greater caution was necessary against killing of young females, they must previously have been killed.

That Mr. Elliott understood the tenor of the complaint of Veniaminof, which he was translating, to be directed against disturbance of the breeding seals and killing of females is shown by his comments that follow in the text of the Monograph. At the bottom of page 143, in a footnote which he has initialed, are these words: " \* \* but it was not until 1845 that the great importance of not disturbing the breeding seals was recognized." In page 167 (the Tenth Census version of the Monograph is used) is this more extended reference—

"Is it not exceedingly strange that he (Veniaminof) never thought, during all his cogitations over this problem, of the real vital principle, of letting the females entirely alone—of sparing them strictly? I think that the worthy bishop would have done so had he passed more time on the rookeries himself. I can not find, however, who the Russian was that had the good judgment, first of all men, to inaugurate a perpetual 'zapooska' of the females on the Pribalov islands; it was done in 1847 for the first time, and has since been rigidly followed, giving the full expansion in 1857 to that extraordinary increase and beneficial result which we observe thereon today."

The cause of the "extraordinary increase" witnessed by Mr. Elliott in 1872-74 is plainly ascribed to the fact that the Russians somewhere about 1845 to 1847 discovered the vital principle that it was necessary to spare the females. This alleged discovery would presuppose the conclusion that they had not done so before. When they ceased to kill the females the herd prospered.

Going one step further, on page 136 of Mr. Elliott's 1890 report these words are found:

"In 1835, for the first time in the history of the industry on these islands, was the vital principle of not killing female seals recognized \* \* \* The sealing in those days was carried on all summer \* \* \* This protracted driving caused them to take up at first hundreds, and thousands later on, of the females \* \* \* but they never spared those cows then, when they appeared in the droves on the killing ground, prior to this date, above quoted, 1835."

These are Henry W. Elliott's own words in his official reports which have been published over and over again by the Government. This translation and these comments by Mr. Elliott were the only "record" available to Dr. Jordan's commission at the beginning of its work. They warranted the statement that prior to 1835 the Russians killed "males and females alike."

In the light of these several statements and comments attention is called to the assertion on page 36 of Mr. Elliott's report for 1913:

"1. It is a fact of indisputable record that the Russians never killed or disturbed the female seals on the rookeries of St. Paul and St. George Islands from start to finish of their possession of them."

This assertion and the foregoing translation and comment are by the same person—Henry W. Elliott. They are contradictions, and it is Mr. Elliott who charges Dr. Jordan with falsification of the record. Comment is not necessary.

But Mr. Henry W. Elliott was not the only source of information regarding Bishop Veniaminof's views available to the commission of 1896-7, and Mr. Elliott, while ignoring his own work, has taken occasion to mention this second source and to quote from it. It is the translation, by Dr. Stejneger, of the von Baer article, printed at pages 219-222 of volume 3 of the commission's report. The quotation made by Mr. Elliott is significant in that it recounts how the Russians drove up the breeding seals, old and young, and subjected them to a most destructive process of sorting to eliminate the animals not desired. Mr. Elliott is careful to emphasize in this quotation the alleged fact of separation of the male and female yearlings, and the driving of the latter back to the beach.

This alleged discrimination by the Russians is interesting, especially so since Mr. Elliott's charge of the killing of yearlings made against the Department of Commerce and Labor in 1911-12, before the House Committee on Expenditures, rested on his positive assertion that the sexes of the yearlings could not be distinguished, and hence that the killing of yearlings involved the killing of females. No less authority than Dr. Hornaday, director of the New York Zoological Gardens, testified that "in very young seals the sexes can not be identified without a surgical examination of each one." This testimony will be found at page 272 of hearing 6. Apparently Mr.

Elliott would now have us believe that the Russians made this surgical examination. Such an assumption is not warranted as those who have tried sorting seals know well that the handling of the yearling fur seal is about as easy and safe as the handling of a full-grown wild cat.

The significant point of this quotation does not, however, lie in what the Russians did with the yearlings. Mr. Elliott is accusing Dr. Jordan of falsifying records. In this quotation Mr. Elliott has omitted the sentence just preceding the reference to the separation of the yearlings. The sentence is very significant. It reads:

"The quite young seals, that is to say, those only 4 months old, are killed without exception."

Mr. Elliott indicates the omission by periods, but the omission of this sentence under the circumstances is inexcusable. It fastens upon Mr. Elliott himself the very charge he is seeking to fasten upon Dr. Jordan.

We have now a third source of information regarding Veniaminof's views. This is a complete translation of the Zapiska article (partly translated by Mr. Elliott) of Veniaminof, made by Prof. Raphael Zon. The details cited in the von Baer article are repeated, and this sentence has a stronger wording: "Small pups which were born the same summer are killed without discrimination, both male and female."

This translation by Prof. Zon states further:

"Under the name of Kotiki, or gray pups, are classed the 4-months-old males and females, which were born in the spring, and which form the largest and almost the entire quantity of seals used in the trade."

We have from these three sources the complete record of Russian sealing so far as Veniaminof gives it, and it is unanimous at every point in its assertion that females were killed—"cows," "young females," "female pups."

This is what Dr. Jordan affirmed. It is Mr. Elliott who denies and misstates the record.

There is still another authority on Russian conditions, and Mr. Elliott refers to it, again finding ground for a charge of falsification against Dr. Jordan. This is the Russian special agent, Yanovsky, who investigated the herd in 1821. Mr. Elliott cites the translation of letter 6, containing the Yanovsky reference, at page 58 of volume 1, of the Proc. of the Paris Tribunal, and finds Dr. Jordan's translation in disagreement with it. Mr. Elliott should know, as Dr. Jordan did, that there is a second translation of this letter on page 323 of volume 8 of the same proceedings. It is a much better translation, hence its use by Dr. Jordan. It is the translation used in the British case, and the difference between it and the translation in the American case, used by Mr. Elliott, is not a thing for which Dr. Jordan is responsible. To charge Dr. Jordan with falsification of records because of this difference is without warrant; it is in itself a species of falsification.

As to what Yanovsky said: We may note that letter 6 does not give Yanovsky's report and apparently the report is not in existence. What it gives is the substance of the report condensed into a brief paragraph. Yanovsky is criticising the Russian method of killing. He affirms that "only cows, seecatchie (bulls), and half seecatchie, are left to propagate the species." Calling attention to the fact that "only the old seals are left," he adds, "if any of the young breeders (bachelors) are not killed by the autumn, they are sure to be killed the following spring." The British translation uses "young breeders;" the American "bachelors." Any one who reads the passage (quoted in full at the top of page 2 of the Elliott charge) can readily decide which is the more reasonable version, "young breeders" or "bachelors." As a matter of fact, the word "bachelors" renders the passage meaningless.

But the real decision in the matter comes back to Mr. Elliott, and is found in his Monograph, already referred to. Yanovsky's report was made in 1821. In the third paragraph from the end of page 140 (Elliott's Monograph and translation of Veniaminof), are these words: "In 1822, C. Moorayyev, governor, ordered that young seals should be spared each year for breeding." This action may be assumed to be the direct result of Yanovsky's representation. If Yanovsky reported that bachelors were too closely killed, autumn and spring, it is strange that the governor did not order bachelors to be spared. Mr. Elliott translated the passage in 1872-74. If he meant 'bachelors' he should not have said 'young seals.' Young seals mean animals of both sexes, and that is plainly what Yanovsky intended to say. The British translator makes it 'young breeders,' meaning animals of both sexes."

The second Russian authority, therefore, like the first, affirms the killing of females. It was only when this method of killing brought the herd several times to the verge of ruin, especially in 1834, that the Russians changed their method to one in which only the superfluous young males were killed. From the inauguration of this policy by the Russians after 1835 the herd grew and prospered.

It is respectfully submitted that Mr. Elliott has not substantiated his charge of falsification of records against Dr. Jordan; and that he has not proved his assertion

that the "Russians never killed or disturbed the female seals \* \* \* from start to finish of their possession of them."

It need not be pointed out what was the apparent object of the mailing of this attack against Chancellor Jordan to his successor in the presidency at Stanford University.

(Signed) GEORGE ARCHIBALD CLARK,  
Secretary of Bering Sea Commission of 1896-7.

PRESIDENT'S OFFICE,  
STANFORD UNIVERSITY, CAL.,  
December 15, 1913.

Here he tells you that there is a "British translation" which uses the word "breeders" and an "American translation" which uses the word "bachelors." He takes the British translation because it is superior, and here, in that monograph he uses the word "breeders"! Comment is unnecessary. Now, one word more.

The CHAIRMAN. What is the real difference about using the word "breeders" or "bachelors"? What is the real significance?

Mr. ELLIOTT. The real significance is that if you use the word "breeders" they have got to be males and females; and if you use the word "bachelor," it means nothing but young males. That is the whole crux of the situation. Dr. Jordan employs that word "breeders" as the correct translation when his own government has denied it to him.

Mr. WATKINS. That is the question I asked you awhile ago. What is the material difference between the two translations?

Mr. ELLIOTT. Mr. Clark admits it at the start, and then insists that the word "breeders" was used by our Government and that the British used the word "breeders," *when in fact the British had no translation whatever!* The only translation used, is the one I charge up to Dr. Jordan with having falsified, and falsified here; and that is the translation which was made by our Government, and vouched for by our Government November 19, 1892, and which is the correct translation to-day. So much for the falsification of the records.

Now, I am going on to the question of skins.

The CHAIRMAN. You say that Clark made the same statement to this committee when he was before it. Why do you think that was done before the present committee?

Mr. ELLIOTT. *To shield the effect of land killing, that same killing in 1909, which Yanovsky condemns in 1819—that is, the constant annual killing of every young bachelor in the fall, if they can get them; and if they do not get them, then they are sure to get them in the following spring and summer—that means a loss of needed breeding bulls and an annual increase of harems of breeding cows, until there would be from 500 to 1,000 cows to a bull, and that is the end of the species. That was what was ruining the herd; the constant killing of these young bachelors every year; and "if they did not get them in the fall, they got them in the spring," as Yahnovsky reports. "The consequence is that if it is not stopped the species will be extinct," he said.*

The CHAIRMAN. It would have the tendency to create the impression upon this committee that pelagic sealing did the damage, and not land killing.

Mr. ELLIOTT. That is what he admits. He says, "If Jordan's translation is correct, then I am wrong; if his translation is incorrect, then I am right." The land killing did ruin the herd in 1804-1834, just as Yanovsky reported. I am right. I have used the only transla-

tion that any Russian in God's world can make of his own language. There is no word "breeders" in that letter. You can not find it in the Russian dictionary, for that matter. They use the word "*proplodt*," "to multiply," "to propagate," and "to fructify," but they never use the word "breeders." I have never seen it anywhere in Russian. It is our own language. They use the words "Holluschickie," or "bachelors," and "Holluschikovie" in this letter, which are "bachelors" and "nothing but bachelors." You can not make anything else out of it. We ourselves called them "bachelors" up there, in 1872, and it is the common slang word and established there to-day.

Mr. WATKINS. Is it possible that in making that translation the word "breeders" was used as meaning male breeders?

Mr. ELLIOTT. It could not be used in that way, because Mr. Clark in his testimony explained to the committee that "breeders" means males and females.

Mr. WATKINS. What called my attention to that was the word you used a while ago which you said meant to fructify. A female would not be considered an animal to fructify.

Mr. ELLIOTT. Well, I was speaking of the extreme range of the dictionary, that I never found the word "breeders" in it. I am not a Russian scholar, and I will not say it is not in the dictionary; but, I have never heard it, and I have never read it. The word they use in this letter is "*proplodt*," which means "to propagate," or "to multiply," and it is correctly translated in the American case, because we have got the correct translation of it here. Let me just read it to you. Our Government cleared itself of that fraud, all right; and then Dr. Jordan steps in, and mires himself down again. The "false translation" which Foster withdrew in the name of our Government, because he said he had been imposed upon, reads this way:

Every year a greater number of young bachelor seals is being killed, while for propagation there remained only the females, sekotch, and half sekotch. Consequently, only the old breeding animals remain, and if any of the young breeders are not killed by the autumn they are sure to be killed in the following spring, etc.

Now, you see the inference, the plain, absolute transposition of the meaning of the Russian text. Yanovsky distinctly tells you that "only the young bachelors" are killed; in this falsified text you have got to kill males and females to get "young breeders," and the self-evident impropriety of that thing was so clear that Foster immediately apologized to the British counsel, withdrew it, and published this spurious translation alongside of the "revised translation" which he ordered in lieu of of it, and which I have correctly charged up to Dr. Jordan.

Mr. WATKINS. That is 175 in parallel columns?

Mr. ELLIOTT. Yes; it is "letter No. 6." I do not like John W. Foster; but I think in this matter he was imposed upon, and he had only one thing to do—to withdraw the "false translation" and apologize for it, and he did it. The mystery of the thing is that Dr. Jordan deliberately renews that imposition and deceit, and embodies it in his own official report to the Secretary of the Treasury, February 24, 1898, or four years later.

Mr. WATKINS. My understanding is that Foster is not living.

Mr. ELLIOTT. Oh, yes; he is in town now, I think; John W. Foster is alive, to-day.

Mr. WATKINS. I was under the impression he died several years ago.



Mr. ELLIOTT. No; I think not; it must be Charles Foster, his associate in the business, and who was Secretary of the Treasury at that time.

Mr. WATKINS. I may be wrong about it, and it may be possible to have him before the committee, if he is accessible.

Mr. ELLIOTT. Well, here is his official record, and I do not know what else he could do before the committee. It is all a matter that is certified to and closed.

Mr. WATKINS. So much hinges on that word "breeders."

Mr. ELLIOTT. Well, that is perfectly clear. "Breeders" is a false interpretation of the Russian text. The word "breeders" gives a false impression in this report, because "breeders" leads you to understand the killing of males as well as females.

Mr. WATKINS. That is the very question, whether they intended by that language to mean females and males, whether the word "breeders"——

Mr. ELLIOTT (interposing). Why use the word "breeders" when it is not in the language of the Yanovsky letter? His letter says distinctly bachelors, "Holluschickov" and "Holluschickovie." You can not get away from the clean-cut translation of the Russian record which stands now in the American case, since November 19, 1892. Let me tell you something about Yanovsky. He was no common man. This man was sent out from the board of Russian directors in the summer of 1818 as one of their own set, interested in their dividends, and sent to find out what the trouble was on the islands. The catches of seal skins were getting smaller every year; he went there, made that investigation, kept his mouth shut, and sent his report back to them containing the facts that should govern them, not for publication, but to let them know just what they had to do. And he described, after spending four months on the islands, the exact effect of this killing; reviewed it away back, and brought it down to date of February 25, 1820. And it was due, entirely, as he says, to the fact that if any "young bachelor got away from the clubbers in the autumn, he was sure to be killed in the following spring." Not "young breeders," but "young bachelors"—young males. They were not killing the females; they were separating them. However, I have never believed the Russians separated and saved those yearlings any more than our people saved them in the last 20 years. Not a bit. Let me show you what I say on page 58, hearing No. 1, January 17, 1914:

It is a fact of indisputable record that the Russians never killed or disturbed the female seals on the rookeries of St. Paul and St. George Islands from start to finish of their possession of them.

It is a fact of undisputable record that from 1786-87 up to 1800, the Russians annually took from 120,000 to 60,000 young males, and yearling seals from these hauling grounds and during all that time never took any seals at sea nor were these seals taken at sea by any other people, save the few annually secured by the Northwest coast Indians.

The took the yearlings just exactly as our people have been taking them; but they had the right to do it. They were not violating any law; but our people, own, ever since 1896, were deliberately violating the law and regulations to enrich a few very rich men at the public cost, and credit, by killing these yearlings.

Now, if there are any questions to ask on this branch I am ready to answer them; but, if not, I will go on to the question of the skins.



The CHAIRMAN. Do you mean to simply submit an answer to what Mr. Clark has said?

Mr. ELLIOTT. That is what I am doing.

The CHAIRMAN. And statements that are not in your report?

Mr. ELLIOTT. I have not brought this into my statement; this is all new matter. I am not recanting anything I have said in my statement. What I say now will be in answer to Mr. Clark and indirectly in answer to Mr. Lembkey. I want to show you how the yearling seal skins were taken.

IN RE TAKING YEARLING SEALSKINS IN VIOLATION OF LAW AND REGULATIONS BY THE LESSEES OF THE SEAL ISLANDS OF ALASKA 1896-1909, INCLUSIVE.

The committee has given much time to taking testimony on this point of whether or no the law and regulations governing the taking of seals by the lessees have not been violated, as charged

The whole question has resolved itself into the correct understanding by this committee, of what a yearling seal was as to size. Then, the size being determined, to ascertain the size of its skin when removed from its body, and as sold by the brokers in London, after it has been cured for that sale, on the islands.

I think I am perfectly right in making that deduction.

As Secretary Nagel in an official letter declares that he, himself, knows nothing whatever about it; and, that "I am relying upon the advice of experts who have been appointed to inquire and report." (See p. 915, hearing No. 14, 1912.) These "experts" upon whom he relied were duly sworn and examined by the committee. Their testimony is summarized on pages 914-920, hearing No. 14, 1912, and it declares the fact that each and every one of them knew, and knows nothing about the size of a yearling seal, or of its skin as removed and cured on the islands.

This unanimous confession of total ignorance on the part of those "scientists," who as Secretary Nagel's "advisory board" on fur seal service, and who were named to this committee by the department, as such was surprising to say the least. (See Summary of testimony on pp. 914-920, hearing No. 14, 1912.)

The committee then examined the man who as "chief special agent" in charge of the seal islands, had done all the killing ordered by the Government since 1900 to date on the islands.

The testimony of this man, most unwillingly and reluctantly given, discloses the fact that thousands and tens of thousands of yearling seals have been killed on the seal islands of Alaska. (See pp. 740-776, for the law and regulations; hearing No. 2, 1911; and pp. 360-372, 428-429, 434, 442-443, 446-447, hearing No. 9, 1912.)

This man, and sworn official, W. I. Lembkey, out of his full 13 years' experience in directing and supervising personally all the killing of seals on the islands, testifies that the skin of a yearling seal of his own identification as such, measures 36½ inches in length. Then he identified 7,733 "small pups" skins sold in London, December 16, 1910, as the skins which he had himself taken on the islands in July, 1910. (See pp. 434, 441, 442, 443, hearing No. 9, 1912.)

Each and every one of these 7,733 "small pup's" skins measured less than 34 inches in length; and Mr. Lembkey admitted that this

London measurement of his skins, as above stated, was entirely correct. (See p. 441, Hearing No. 9, 1912.)

On April 13, 1912, Chief Special Agent Lembkey admitted under oath that 7,733 seal skins which he took in 1910, and salted were none of them larger than the typical specimens of yearling seal skins which he took August 18, 1911, and which were duly exhibited as yearling's seal skins beyond doubt or question. Mr. Lembkey's sworn admission is as follows, to wit (pp. 434, 441, Hearing No. 9, H. Com. Exp. Dept. Commerce and Labor, April 13, 1912):

The CHAIRMAN. You will produce the information.

Mr. LEMBKEY. A summary of the classification of the 12,920 salted fur-seal skins of the catch of 1910, sold by Lampson & Co., is as follows: Smalls, 132; large pups, 995; middling pups, 4,011; small pups, 6,205; extra small pups, 1,528; extra small pups, 11; faulty, 38.

Mr. ELLIOTT. Now you are prepared to state that 8,004 of them were "small pups" and "extra small pups," are you not?

Mr. LEMBKEY. 7,733 of them, according to this summary, are the skins of small pups and extra small pups.

Mr. ELLIOTT. I am getting at the analysis of your catch which you have given here already. You have given in a statement here that 8,000 of them were "small" and "extra small."

Mr. LEMBKEY. 7,700.

Mr. ELLIOTT. 7,700?

Mr. LEMBKEY. 7,733 were small and extra small pups.

Mr. ELLIOTT. Mr. Fraser tell us that those seals, none of them measured more than 34 inches nor less than 30 inches.

Mr. LEMBKEY. The committee can see what Mr. Fraser states. Mr. Fraser states that small pups measured  $33\frac{3}{4}$  inches in length.

Mr. ELLIOTT. From there [indicating] to there [indicating] on that diagram—

Mr. LEMBKEY.  $33\frac{3}{4}$  inches in length, and extra small pups measured 30 inches in length.

Mr. ELLIOTT. Then you have some extra small pups there which makes it 8,000?

Mr. LEMBKEY. Only 11 of those.

Mr. ELLIOTT. It does not amount to anything.

Mr. LEMBKEY. It just makes your 8,000 about 300 more than the actual number.

Mr. ELLIOTT. That is the reason I used those round numbers. It does not amount to anything one way or the other.

Mr. LEMBKEY. The actual number is 300 short of 8,000, Mr. Elliott.

Lembkey admits that the measurements, not weights of the skins, determine their real size (see pp. 446, 447, Hearing No. 9, 1912), to wit:

Mr. ELLIOTT. Is it not true that a native can skin a  $4\frac{1}{2}$ -pound skin off and add blubber to it so as to make it weigh 5 pounds?

Mr. LEMBKEY. It certainly is.

Mr. ELLIOTT. Would it destroy the value of that skin if he did?

Mr. LEMBKEY. Not in the least, except that it would require longer to salt.

Mr. ELLIOTT. And it would absorb more salt, would it not?

Mr. LEMBKEY. I think so, yes.

Mr. ELLIOTT. And that would add very much to the weight of the  $4\frac{1}{2}$ -pound skin?

Mr. LEMBKEY. Yes; the blubber would.

Mr. ELLIOTT. All that can be done, can it not?

Mr. LEMBKEY. I might state here, while you are on that point, that it would not alter except in perhaps a very slight degree, the classification of that skin when it was received in London by the factors.

Mr. ELLIOTT. Certainly.

Mr. LEMBKEY. You might make a yearling skin weigh 9 pounds by the adding of blubber, yet when it got to London it would be only so long and so wide.

Mr. ELLIOTT. That is it.

Mr. LEMBKEY. And of course it would develop in the classification when the skins would be exposed for sale.

Three standard salted yearling fur-seal skins were exhibited April 24, 1912, to House Committee on Expenditures of the Department of

Commerce and Labor, as fully identified and certified as such by the United States Bureau of Fisheries. Said skins were taken on St. Paul Island by Chief Special Agent Lembkey August 18, 1911, and sent by him as types of yearling skins for the information and use as such by the Bureau of Fisheries, and so presented as complete evidence.

The Bureau offers them in evidence, to wit:

The CHAIRMAN. How will we determine the ages of the seals from which the skins come?

Dr. EVERMANN. Yes; how will you? Will you take the statements of the agents who have brought down these skins from the islands or will you take Mr. Elliott's statement?

Mr. ELLIOTT. Take Mr. Lampson's statement; that is what I stand on; he is your own agent. (Hearing No. 10, p. 546, April 24, 1912, H. Com. Exp. Dept. Commerce and Labor.)

Messrs. Patton and McGuire accept them without question.

\* \* \* \* \*

Mr. PATTON. The difficulty is whose authority are you going to take?

The CHAIRMAN. That remains to be shown also.

Mr. MCGUIRE. I was simply suggesting the most convenient way to get the testimony from the doctor, the witness representing the department. Of course, so far as I am concerned, I am perfectly willing to take his figures (p. 548, Hearing No. 10).

The salted yearling skins—duly exhibited.

Dr. EVERMANN. No. 7. The seal skin measures  $35\frac{1}{2}$  inches long. The seal itself was 44 inches long. The skin weighed 4 pounds  $9\frac{1}{2}$  ounces. That was called a yearling.

A salted skin measuring  $35\frac{1}{2}$  inches long is brought here and laid down on this committee table and certified to you as a yearling skin properly salted and cured for shipment to London, as all the others had been—a typical exhibit to you of such a skin.

The CHAIRMAN. If those are specimens of yearling seals, testing it by that standard, then how many yearling seals would have been taken by the North American Commercial Co. from 1890 to the end of the killing season of 1909?

Mr. ELLIOTT. Over 128,000, according to the actual records of the London sales.

Mr. WATKINS. They are worth about how much on an average?

Mr. ELLIOTT. Well, they average about \$30 apiece.

No. 8. The seal itself measured  $39\frac{1}{2}$  inches. The skin measures 33 inches and weighs 4 pounds  $3\frac{1}{2}$  ounces. That seal was found dead and was regarded by agents and natives as a runt yearling.

No. 9. The skin is 34 inches long. The seal measured  $39\frac{1}{2}$  inches. The skin weighs 3 pounds 15 ounces. That also was regarded as a yearling (p. 553, Hearing No. 10).

Mr. Elliott confirms them, by the Lampson standard.

Dr. EVERMANN. It seems to me proper to state, Mr. Chairman, that the agents in taking these skins as representative skins of seals of certain ages did not know what I or you or Mr. Elliott might say that the ages of the seals from which the skins came were. They have no knowledge of that. Mr. Elliott does not know what are the ages of the seals from which these skins were taken.

Mr. ELLIOTT. I know perfectly well, and I published the fact 40 years ago.

Dr. EVERMANN. I wanted to say that you did not know what age the agent says this seal was.

Mr. ELLIOTT. I know what Lampson says it was. Put his measurement on it and I will tell you. Now you are coming down to business. Put your measurement on that skin and I'll tell you just what Lampson calls it.

Dr. EVERMANN. Apparently, if I get the correct figures here, this skin is  $35\frac{1}{2}$  inches long.

Mr. ELLIOTT. According to Mr. Lembkey that is a yearling. His sworn testimony makes it a yearling. (See p. 443, Hearing No. 9.)

Dr. EVERMANN. What do you say it is?

Mr. ELLIOTT. I say it is a yearling, and that's right.

Dr. EVERMANN. Here is another skin which is 33 inches long.

Mr. ELLIOTT. Mr. Lembkey says that is a yearling.

Dr. EVERMANN. And you say?

Mr. ELLIOTT. He's right; it is a yearling (p. 548, Hearing No. 10).

*These exhibits of typical salted yearling seals, identified and measured as to size by Chief Special Agent Lembkey, the native sealers of St. Paul, and the United States Bureau of Fisheries, declare the fact that every salted fur seal skin taken and sold in London since 1890 which was less than 34 inches long has been the skin of a yearling seal.*

No one of Special Agent Lembkey's associates as Government agents, or members of the advisory boards, have disputed his testimony as given to the committee. No one of his associates dispute the measurements of these skins as they are annually made in London, by the brokers, who have sold them after they were taken by the lessees agents, and by Mr. Lembkey on the islands, since 1890, up to 1910.

*No one of Secretary Nagel's agents dispute the accuracy of the London records of these measurements of the skins of those fur seals, as annually taken on the Pribilof Islands, since 1890, to date.*

No one, I think, does. No man dare do it, and stand one minute before the fur trade of the world, in successful denial of the London records. That fact being demonstrated to the committee beyond dispute from any authority, a sensible conclusion must be promptly reached, and that conclusion is, that yearling male and female seals have been killed on the Pribilof Islands, annually, since 1890, in violation of the law and regulations of the departments, of the Treasury, and Commerce and Labor.

Mr. WATKINS. Why do you insert females there?

Mr. ELLIOTT. There are male and female yearlings, but you can not tell them apart. There are males and females.

Mr. WATKINS. You can by examination?

Mr. ELLIOTT. But nobody examines them. I am bringing that in here. They have been killed without any examination by anybody. Mr. Lembkey who has killed them all since 1899, has sworn he never examined them to see whether they were females or not; he never looked at them to see whether they were females. I am going to bring his own testimony to that effect in here.

The law distinctly and specifically prohibits the killing of any female seal, by American citizens, at any time, or in any place, whether on land, or in the sea, and the regulations since May 14, 1896, prohibited the killing of yearling seals.

The testimony of all the witnesses examined by the committee, who had any knowledge of the subject, and also who, as officials, were subordinates of Secretary Nagel's office and who were asked by him to testify to the committee—this testimony was unanimous in agreement upon the fact that it is impossible for man to distinguish the males from the females in a drive of yearling seals when on the killing grounds, unless a physical examination was made of each yearling before killing.

Mr. WATKINS. You take it for granted that in the previous examinations we all know what you have said, but we do not.

Mr. ELLIOTT. I am trying not to repeat anything.

Mr. WATKINS. That has been a good long time ago.

Mr. ELLIOTT. Well, it is in there now, and its vital points are here to-day.

That such a physical examination never was made by any one of these subordinate agents of Secretary Nagel or his predecessors, at any time since 1890, was also admitted by them, under cross-examination, Feb. 4, 1911. Mr. Lembkey was compelled to admit that he did not know whether female skins were taken, or not; no penalty for killing them was inflicted.

Mr. McLEAN. After the skins are removed, can you distinguish between a male and female 2-year-old?

Mr. LEMBKEY. Yes, sir; at once. Oh, I beg pardon—2-year-olds?

Q. After the skin is removed from the animal?—A. If you would look at the carcass of a 2-year old you could not distinguish it readily, but the man skinning the seal recognizes it the moment he takes it into his hand to skin it. Of course he examines the organs and matters of that kind.

Q. But the animal is then dead?—A. The animal is then dead.

Q. What I asked you was this—after the skin is removed from the animal, by the inspection of the skin itself could you distinguish between a male or a female 2-year old?—A. You could by looking at the teats of the animal.

Q. And are they developed on a 2-year-old female?—A. I don't know that they are. You could find them there possibly. I don't know whether they are developed or not; I never examined a skin to find out.

The CHAIRMAN. How positive can you be, then, Mr. Lembkey, that no females are killed?

Mr. LEMBKEY. The reason upon which I base that positive statement that no females are killed is this: Stringent orders are given to all the skimmers to report at once any female knocked down in the drives. They are ordered to report it to the agent in charge of the killing and in charge of the men.

Mr. McLEAN. Is there a penalty then inflicted upon the killer for killing the female and when he reports it?

Mr. LEMBKEY. No; because the killing gang consists of six persons, we will say, and it is impossible to tell which one of those six knocked down the seal; but if a female should be knocked down by accident an admonition is given to the clubbers.

Q. So that it is quite possible?—A. They are jacked up.

Q. It is quite possible if a female was killed through inadvertence that the native might not report it?—A. No; because the man who reports the presence of the female would not in the least be culpable, because he is a skinner, having nothing to do with the killing.

Q. He is probably a relative?—A. I should not say that. There is no great penalty attached to the killing of a female, such as to lead the men to suppress the fact of its presence. (*Dixon hearing, U. S. Senate Com. Cons. Nat. Resources, pp. 15, 16, Feb. 4, 1911.*)

The CHAIRMAN. Who is Mr. McLean?

Mr. ELLIOTT. This was at the "Dixon hearing," February 4, 1911, the Senate Committee on Conservation of National Resources hearing. I have it all set out here. Mr. McLean was counsel for the Camp Fire Club, of America. He was down here when we were "jacking them up," in Secretary Nagel's department and when they were attempting, you know, to run this thing over us.

Therefore, when the returns annually are made to us from London by the brokers, who have measured each and every sealskin taken by these lessees, and the Government agents aforesaid, since 1890 up to date of 1912, they declare the fact that more than 128,000 "small pups" and "extra small pups" skins have been taken from the herd since 1890, or as so many "yearlings."

The CHAIRMAN. Let me ask you right there this question: Are those figures, 128,000, until the end of the season of 1912?

Mr. ELLIOTT. No; of the lessees' season; 20 years of the lessees. I have not followed it into the other years.

The CHAIRMAN. I had an impression that the 128,000 included the years from 1910.

Mr. ELLIOTT. I specifically declare it covers the time of the lessees. Of course we can follow it along down.

That shows to your committee the indisputable proof of the fact, that half of those "small pups" were females, and so taken and killed in open violation of the law.

All of those subordinates and scientists above cited have united in agreement of testimony that the yearlings are equally divided as to sex in number, when they haul out, and are driven up to the killing grounds. So that if 7,733 "small pups" and "extra small pups" were killed in 1910, as Mr. Lembkey testifies (p. 441, hearing No. 9, 1912), then half of that killing was 3,866 seals, which were all of them female seals, and all the 7,733 "small pups" and "extra small pups" were killed by his orders in violation of the law.

That the lessees, in 1890, began to openly engage in this killing of female seals, and yearlings, is a fact of indisputable record, since they were held up and stopped July 20, 1890, in the midst of this illegal work, by the United States agents in charge. Those agents not only did that, but they also urged the Government to suspend all future killing by the lessees for an indefinite number of years (pp. 5-23, hearing No. 1, 1911; pp. 36-40, hearing No. 2, 1911; pp. 662-667, hearing No. 10, 1912; pp. 925-939-940, hearing No. 14, 1912).

The CHAIRMAN. Do you know, according to the statements made in regard to those three specimens of skins, how many yearlings were taken in 1909 by the lessees?

Mr. ELLIOTT. Of course, you can look right there in the report of Mr. Lembkey's; he has got it there for 1909. There were seven thousand and odd, 7,300, I think.

The CHAIRMAN. Are you sure about that?

Mr. ELLIOTT. Yes, sir; I have pointed that out, many times.

The CHAIRMAN. The reason I am asking that is this: That was the last year that the lessees had the right to kill, and if they were yearlings they were distinctly the property of the Government.

Mr. ELLIOTT. They have always been the property of the Government.

Mr. WALSH. What is a skin of a yearling worth?

Mr. ELLIOTT. About \$30.

Mr. WALSH. Retail?

Mr. ELLIOTT. No; wholesale, over in London, undressed.

The lessees then attempted to suborn this officialism in charge of the seal islands: They secured the removal of Mr. Goff, chief special agent, soon thereafter, April 5, 1891, and that is also a matter of indisputable official record: (pp. 662-667, hearing No. 10; pp. 939-944, hearing No. 14: 1912).

That the lessees had so gained complete control of the United States agents by 1894, and after the *modus vivendi* of 1891-1893 expired, so as to renew the illegal killing of yearlings and females, and continue that illegal killing, is completely exhibited as a fact, by the testimony on pp. 950-951, hearing No. 14, 1912, and the unbroken record of the London sales annually, from 1894 up to 1909.

At the request of the chairman of this committee, the following statement was submitted to it, by myself (see p. 220, hearing No. 4, 1911) to wit:



The CHAIRMAN. \* \* \* I want the witness to state as an expert how many such killings of seals there may have been, and what he considers has been the injury done to the Government during the last 20 years.

Mr. ELLIOTT. Mr. Chairman, I will read the statement in detail:

MEMORANDUM, FOR HON. JOHN H. ROTHERMEL, IN RE SEAL SKINS TAKEN BY LESSEES  
IN VIOLATION OF LAW.

*Minimum numbers of yearling seals taken in violation of law by the North American Commercial Co., or lessees of the seal islands of Alaska. Figures taken from the sales catalogues of Messrs. C. M. Lampson's Sons, London, during period of lease held by the N. A. C. Co. aforesaid.*

	Total skins taken.	Year- lings.		Total skins taken.	Year- lings.
1890.....	20,310	3,823	1901.....	22,672	13,000
1891.....	13,473	<sup>1</sup> 1,200	1902.....	22,304	14,500
1892.....	7,554	(1)	1903.....	19,374	15,600
1893.....	7,492	(1)	1904.....	13,128	6,500
1894.....	16,030	1,400	1905.....	14,368	6,918
1895.....	15,002	2,200	1906.....	14,478	6,837
1896.....	30,004	13,000	1907.....	14,888	7,000
1897.....	20,762	8,000	1908.....	14,965	6,500
1898.....	18,032	4,000	1909.....	14,350	7,000
1899.....	16,804	3,500			
1900 <sup>2</sup> .....	22,473	9,500	Total.....	343,413	128,478

<sup>1</sup> Modus vivendi.

<sup>2</sup> Standard lowered this year for first time to "5 pound skins," or "yearlings."

HENRY W. ELLIOTT.

JULY 10, 1911.

My figures as given in this statement are presented by me as the "minimum" of yearlings so taken by the lessees during the period of their lease, between 1890-1909. In this statement I include nothing as "yearlings" except "small pups" and "extra small pups," or salted skins less than 34 inches in length, and as so returned by the sales sheets of the London brokers, Lampson & Sons. I told the committee, on pp. 905-906, hearing No. 14, 1912, that I had not included any of the "long" yearlings or "middling pups" in this statement, or 35-36½-inch skins, since they were invariably male seals, and no killing of females occurred, when they were taken.

I have specified the reason why yearlings can not be killed unless in violation of law as follows, to the committee (see pp. 902, 905-906) to wit:

Mr. ELLIOTT. My objection to the killing of yearlings is not because they are 1 year old, but because you can not tell whether you are killing males or females when you slaughter them.

Mr. MADDEN. The 1-year-old?

Mr. ELLIOTT. Yes, sir; that is the reason I draw the line at no killing under 2 years. If anything is intended to conserve that life we must save the female life, and you can not do that when you kill the yearlings.

Mr. MADDEN. I think the testimony shows that.

\* \* \* \* \*

Mr. MADDEN. Let me ask you a question. According to Mr. Lembkey's testimony read by you, he testified that the length of a yearling would be 39½ inches, and when it was skinned the skin itself would be 36½ inches. Does it always follow that a yearling seal measures just the same or within an inch or two of the same length?

Mr. ELLIOTT. I think the range is about 3 to 4 inches; a small yearling skin goes 30 inches, a good average yearling skin 34 inches, and a "long" yearling 36 inches. There are three grades.

Mr. MADDEN. All seals are not of the same size?

Mr. ELLIOTT. No; but there is the general average, and you can very easily keep within the limit.



Mr. MADDEN. As a matter of fact, you might possibly find a seal that was returned a year old, and after it had come back from its trip to the ocean on the 25th of July it would be a year or a few days over, and it might not be over 30 inches in length.

Mr. ELLIOTT. Yes, sir.

Mr. MADDEN. And it might be  $39\frac{1}{2}$  inches?

Mr. ELLIOTT. Thirty-six inches. Mr. Lembkey, when he measured what he called a "yearling," selected a remarkably well-grown one. I allowed him to take those as "middling pups," and I have not charged any malfeasance in having those so taken by him. Those "long" yearlings are invariably males, and no real tisk of killing females, when he does, is incurred by him.

Mr. MADDEN. I would like to inquire whether the fact that seals were killed that measured not over 30 inches is prima facie evidence of the fact that they are less than a year old?

Mr. ELLIOTT. I could hardly say, positively, that they were all less than a year old, but can say positively that they were all under 2 years of age. That is the point I am making.

Mr. WATKINS. That denominates a yearling technically?

Mr. ELLIOTT. Yes, sir; that is the term.

Mr. MADDEN. I rather got the impression from what you said that you wanted to impress the committee—I do not want to be understood as indicating that you did—that the fact that a number of seals killed in the year indicated were less than  $39\frac{1}{2}$  inches,  $36\frac{1}{2}$  inches and down to 30 inches, made it certain that they were less than a year old.

Mr. ELLIOTT. Less than "2 years old"; because it is impossible for any man to draw that line, but it is possible to draw the line "under 2 years old." That is the point.

That fact determines them, all of them, to have been the skins taken from yearling seals, since Mr. Lembkey testifies that the length of a "yearling" sealskin is  $36\frac{1}{2}$  inches. (See testimony, pp. 442, 443, hearing No. 9, Apr. 13, 1912.)

Mr. WATKINS. Why do you continue to refer to a year-old seal when the law is that they must not kill yearlings and when yearlings may be 2 years old.

Mr. ELLIOTT. May be "under 2 years old." A "yearling" must be "under 2 years old."

Mr. WATKINS. But I now understand you to refer to 2-year olds as not yearlings?

Mr. ELLIOTT. A "year-old seal." You can not swear to it. You can swear to it as a "yearling," as a pup born last year, and that has returned the next year after its first migration.

Mr. WATKINS. I do not think you quite get my question. I understood you to say that the technical definition of a yearling is a seal which is anything under 2 years old.

Mr. ELLIOTT. Yes, sir.

Mr. WATKINS. But you have several times repeated the statement that these seals are a year old——

Mr. ELLIOTT (interposing). They must be a year old or they would not be back there. They have got to get back, and if they get back at all they are a year old. They leave when they are five months old, and if they appear next summer they are a year old.

Mr. WATKINS. You seem to lay some stress on the fact that there have been year-old seals killed. Is there any legal regulation in regard to that?

Mr. ELLIOTT. There was in the act of July 1, 1870, without the regulations. The regulations of Secretary Carlisle, first made in 1896, made it improper to kill anything under 2 years, while the law until then allowed them to kill anything over a year old.

Mr. WATKINS. That explains your reference in some instances to seals a year old and in other instances to seals under 2 years old.

Mr. ELLIOTT. Yes, sir; because the law is one thing——

Mr. WATKINS (interposing). And the regulations another thing.

Mr. ELLIOTT. Yes; but the regulations have the force of and are the law.

Mr. WATKINS. I know, but I am talking about the statute in reference——

Mr. ELLIOTT (interposing). I see; you are constantly separating the two points and I am grouping them together into one.

The CHAIRMAN. Let me ask a question there. When they return the first time, after they go out to sea on their first migration and come back they are presumably a year old?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. But those seals remain yearlings until they get to be 2-year olds?

Mr. ELLIOTT. Yes, sir; until they come back from the second migration.

Mr. WATKINS. I understand that; but he kept using the expression "a year old" so often that I did not know whether he was making a distinction between those that were a year old and——

Mr. ELLIOTT (interposing). Because Mr. Madden was bringing it up to me, and I was answering him from the legal as well as the biological standpoint.

Now, Mr. Chairman, I desire to call your attention to the fact that the fur trade in 1869 put the "small pup" salted seal skins of London classification down at the bottom of the list in value, only one grade over the little "black pups" which were absolutely worthless. In proof of this low rating of yearling skins which was prevalent then and has never changed in London up to date I submit to the committee the following statement made by Taylor & Bendel, fur merchants, San Francisco, Cal., October 20, 1869, as to the ruling "Prices and Trades of Classification of Fur-Seal Skins," 1869:

Our house sold seal skins in this city for \$4 (gold) apiece, but other parties who sent them to London at the same time received account sales, the prices obtained averaging from 26 to 30 shillings, which is equal to about \$6.50 to \$7.50 there, less freight insurance, commissions, etc. In this market they are generally sold at an average price, but in London they are classified as follows: First, small, bringing the highest price; second, middlings, bringing the second price; third, large pups, bringing the third price; fourth, small wigs, bringing the fourth price; fifth, middling pups, bringing the fifth price; sixth, large wigs, bringing the sixth price; seventh, small pups, bringing the seventh price; black pups, cut and damaged.

THOS. TAYLOR.

(Seal and Salmon Fisheries of Alaska, Vol. I, p. 8, 1898.)

Observe, please, how well it was known back there in 1869, and on record in the Treasury Department, as it is known to-day, that the "small pups" are right down at the bottom, the very dregs of the catch on the islands.

This declares that the fur-seal skin trade understood in 1869, as well as it does to-day, 1914, that the "small pups" of the London sales were the smallest skins taken above, the "black pups" and "gray pups" or those from 2 and 3 months to 5 months old.

The "small pups" above quoted are the same grade to-day, and the very same yearlings which Carlisle prohibited the killing of in 1896, and which prohibition was never authoritatively repealed.

I now reach a serious item concerning George A. Clark's sense and credit; I shall briefly sketch it out, as follows:

In an effort to break the force of that deadly exhibit of authentic and typical salted yearling sealskins which the Bureau of Fisheries made to this committee, April 24, 1912, Mr. George A. Clark was dispatched to the seal islands, under instructions from George M. Bowers and approved by Charles Nagel, dated April 30, 1912.

During his sojourn on the islands among other "discoveries" which he made and laid the foundation for, in succeeding years, 1913 notably, he got busy July 9 and 16 with a killing of "205 2-year-old seals." He prepared a table of the weights and measurements of these skins which is unique in this respect—nothing like it has ever been done on the islands before, and it is perfectly safe for me to say that nothing like it will ever be repeated on the killing grounds, or in the salt houses of the islands; on the 21st of February, 1914, under oath to this committee, he made the following presentation, or

*Clark's exhibit of "2-year-old skins," all improperly salted, July, 1912, and so done by his personal order and supervision, to wit.*

"No. of tag.	Length of animal.	Length of salt skin.	No. of tag.	Length of animal.	Length of salt skin.
	Inches.	Inches.		Inches.	Inches.
30.....	45½	35	124.....	47	36
33.....	46	35½	136.....	43½	31½
40.....	50	37	137.....	44	31½
42.....	45	35¼	139.....	47½	35
43.....	43	34½	140.....	47½	34½
51.....	45½	36	141.....	48	30½
55.....	45	35½	142.....	43½	34
57.....	46½	35½	143.....	44	29¼
66.....	48	34½	144.....	44½	35½
68.....	44½	34½	145.....	46½	34½
69.....	45½	36¼	149.....	44	33½
71.....	45½	36	150.....	44½	34½
77.....	45	35	151.....	47½	32¼
79.....	48	35	152.....	50½	37
101.....	43½	32½	154.....	48½	33
115.....	46½	35½	160.....	48½	33½
116.....	45½	34½	164.....	48½	36½
117.....	44½	35½	166.....	48½	34½
165.....	47½	33	173.....	45	35
167.....	44	31¼	174.....	46½	34½
122.....	48	36			

"List of fur seals of a length of 45 inches approximately furnishing salted skins of a length of 35 inches approximately, extracted from Bulletin of the Fish Commission No. 780, page 93."

This exhibit, as above, was submitted to the House Committee on Expenditures in the Department of Commerce by Mr. Clark, under oath, February 21, 1914. On this basis of those improperly salted skins he swore that all salted sealskins, between 35 and 31 inches in length were 2-year-old skins and were "small pup" skins in the London sales classification.

That Mr. Clark knowingly and deliberately ordered this improper salting of those skins, above cited, in July, 1912, the following deposition of the men who did that improper work in obedience to his direction, and personal supervision, fully attests, to wit:

Q. Did you drive and kill seals last summer?—A. Yes.

Q. How large were they?—A. We killed them by ages as we had killed them before. Mr. Lembkey was the Government agent and Mr. George A. Clark was counting the seals. When we were salting skins last year Mr. Clark did not allow us to stretch the skins, as we always have done and do when spreading them in the kench as we salt

them. We stretch them out about 2 or 3 inches as we spread them, then put salt on them, and then they shrink back into their natural shape.

Q. Do those "green" skins ever shrink 4 or 5 or 6 or 8 inches during those four or five days that they harden in salt while in the kenches?—A. Yes; they shrink. When we salt the skins we stretch the skins, and while in the salt they shrink again, about 2 or 3 or 4 inches.

Q. After they come out of the kench to be bundled and while bundling, do they shrink any more?—A. Some of them shrink after they are taken out of the kench and booked, if they are put in the air. Otherwise they do not. Only where the salt does not catch the skin do they shrink. If they salt all right the skin does not shrink.

NATIVES' TOWN HALL,  
*St. Paul Village, Friday, 5.30 p. m., July 25, 1913.*

These questions have all been read to us, by George Korchugin, in Aleut, and our answers to them in turn, in Aleut, from this paper, which we sign below, as being our own voice and correct in every particular, to the best of our knowledge and belief.

KARP BUTERIN,  
ELARY STEPETIN,  
PORFIRO PANKOFF,  
NICHOLAI KOZLOFF,  
PETER ONSTIGOF,

ALEX. GALAKTIONOF,  
PETER TETOFF,  
FEDOSAY (his x mark) SEDICK,  
NEON TETOFF.

ST. PAUL ISLAND, ALASKA,  
*Village of St. Paul, Town Hall, Friday, July 25, 1913.*

The signatures, as above, were all affixed to this paper by the signers, in our presence, after the foregoing questions and answers had been read to these men in Aleut by George Kocherin, from this original typed copy.

Attest:

HENRY W. ELLIOTT.  
A. F. GALLAGHER.

(Hearing No. 1; pp. 115–117; Jan. 17, 1914, House Committee on Expenditures in the Department of Commerce.)

By that improper salting, those "2-year-old skins" which should have an average length when salted of  $4\frac{1}{2}$  to 5 inches less length than the body lengths above quoted, are all improperly shrunk from  $4\frac{1}{2}$  to 7 inches below their proper lengths, which those native sealers and expert salters would have given them!

This trick ordered so as to bring them (those 2-year-old and 3-year-old skins) down into the salted lengths of "small pups" and extra "small pups," London sales. The natives salters exposed the trick to the agents of the House Committee on Expenditures in the Department of Commerce, as above duly presented.

Mr. WATKINS. What was the object of that salting, if it reduced the size of the skins?

Mr. ELLIOTT. That would bring them within the class of "small pups" in London sales. In other words, they would be able to say that this was a correct experiment, and it declared the fact that salted 34-inch sealskins were 2-year-old skins.

Mr. WATKINS. Oh, I see; that would be an average for the small skins?

Mr. ELLIOTT. Yes, sir. But, fortunately, by the patriotic energy, and zeal and honesty of those officials of the Bureau of Fisheries, and savants of the advisory board, in bringing down three typical salted skins of yearling seals, by official orders of the bureau August 18, 1911, and submitting them here, they exposed and prevented that trick of Mr. Clark (in 1912), from being put over here, to-day, or hereafter. Please take note of the following sequence:

George A. Clark, duly sworn, testifies that he measured 205 "green" skins taken from fur-seal carcasses July, 1912.

Mr. CLARK. The total length of the 205 green skins is 6,582.50 inches, which is an average of 32.1 inches per skin in a green state. \* \* \* Now, as to the measurement of those salted skins which is the question in dispute between Mr. Elliott and myself, let me give you these figures: The length of those 205 salted skins was 7,404 inches, and that made an average of each skin of 36.1 inches. \* \* \* The skins, you see, in the salting process had expanded. \* \* \*

Mr. STEPHENS. You think it would be very hard to distinguish between a yearling and a 2-year-old—that's your idea?

Mr. CLARK. Yes; that is my idea.

(Testimony: Tuesday, Feb. 24, 1914; House Committee on Expenditures in the Department of Commerce.)

Now, gentlemen, that is the first time in all my 40 years' experience that I ever heard that salting a sealskin "expanded" its length 4 or 5 inches. Is not that an amazing stultification, since the contention of these scientists has been that they shrink 4 or 5 inches? Yet this man measures 205 of them and he says the green lengths are "expanded" "from 32 inches to 33, on up to 36 inches"! the very reverse of the truth.

W. I. Lembkey, duly sworn, testifies that it is impossible to measure a "green" skin of the fur seal after it is removed from the body; can only be measured properly after salting.

Mr. MADDEN. Would not a stretched skin show that it had been stretched?

Mr. LEMBKEY. No; the green skin, as a matter of fact, is as pliable as a piece of india rubber, and in throwing it down on the ground it may curl up or stretch lengthwise; it is so elusive in form it is impossible for us to measure it; that is the truth of the matter.

Mr. MCGILLICUDDY. You say measurement would not be reliable because it might be stretched. Suppose you did not stretch it, suppose you take it honestly, then would it be, if honestly taken, would it be a test?

Mr. LEMBKEY. I tried to make that clear to the committee.

The CHAIRMAN. That is a direct question. Why do you not answer it?

Mr. LEMBKEY. I am attempting to. It is impossible; of course, all our actions up there are honestly—

Mr. MADDEN (interposing). Answer the question right straight. Do not try to explain it.

Mr. LEMBKEY. I have attempted to state that in measuring a green skin it is impossible to find out its exact length when you lay it on the ground, because it may curl up, or roll, or stretch, and it can only be measured after it has become hardened by salt.

Mr. MCGILLICUDDY. Then it will not stretch?

Mr. LEMBKEY. Certainly not.

Mr. MCGILLICUDDY. That is the proper time to measure it, after it has become rigid and stiff?

Mr. LEMBKEY. Certainly.

(Hearing No. 9, p. 399, Mar. 1, 1912.)

That is from a man who does understand skins: who does understand the salting of them. I say that without any hesitation. No man understands it better than Lembkey. He understands it as well as I do. He has told the truth, and Mr. Clark has told an untruth here, about the management of those skins.

The CHAIRMAN. Are you through?

Mr. ELLIOTT. I am through with the skins.

Thereupon, by unanimous consent, a recess was taken until 10.30 o'clock a. m. Wednesday, March 11, 1914.

COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Wednesday, March 11, 1914.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

**TESTIMONY OF MR. HENRY W. ELLIOTT**—Continued.

The CHAIRMAN. Mr. Elliott, you may proceed.

Mr. ELLIOTT. I closed yesterday, Mr. Chairman, with an analysis of the skins. I now want to take up an analysis of the appearance of the yearlings on the islands which Mr. George A. Clark denied under oath, as having been established by him through an "experiment" which he made in 1912 and 1913.

George A. Clark, February 20–24, 1914, under oath, duly testified to the House Committee on Expenditures in the Department of Commerce, that the yearling seals did not haul out on the haulings ground of the Pribilof Island during the months of June and July, annually; and therefore, not being there, could not have been killed for their skins by the lessees between 1890 and 1910, inclusive.

The official reports of the United States Treasury agents in charge of the Seal Islands of Alaska from 1869 up to 1906, all uniformly deny Mr. Clark's statement. Eleven sworn reports made by these government agents all deny Mr. Clark's sworn testimony, as above cited, to wit:

*In re* "Yearlings." 1869–1891. The official reports annually made by the United States chief special, and assistant agents in charge of the Seal Islands of Alaska, who all report specifically, and who declare that the yearling fur seals haul out annually as early as June, to appear on the hauling grounds, and in the drives for killing, from that time on to the end of the legal sealing season, July 31, viz:

Reports dated:

1870, December 30. S. N. Buynitzley, see page 19, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1872, September 5. Charles Bryant, see page 36, Seal and Salmon Fisheries, Alaska, Volume II 1896–1898.

1873, September 30. Charles Bryant, see page 40, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1874, August 1. Samuel Falconer, see page 57, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1875, October 11. Charles Bryant, see page 65, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1876, September 26. Charles Bryant, see page 92, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1877, July 28. J. H. Moulton, see page 97, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1878, May 15. John Morton, see pages 104–105, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

1879, September 25. H. G. Otis, see page 117, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.

He is now the editor of the Los Angeles, Cal., *Times*.

Mr. STEPHENS. Is that Gen. Otis?

Mr. ELLIOTT. Yes. Here are four sworn reports from him which I am going to quote.

1880, July 30. H. G. Otis, see page 132, Seal and Salmon Fisheries, Alaska, Volume I, 1896–1898.



1881, July 30. H. G. Otis, see page 141, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

1882, July 30. H. G. Otis, see page 152, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

1884, July 31. H. G. Glidden, see page 167, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

1887, July 31. Geo. R. Tingle, see page 202, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

1888, July 31. Geo. R. Tingle, see page 207, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

1890, July 31. C. J. Goff, see pages 232-233, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

### The brother of Senator Goff, of West Virginia.

1890, July 31. Joseph Murray. See page 238, Seal and Salmon Fisheries, Alaska, Volume I, 1896-1898.

1897, August 11. Joseph Murray. See page 337, Report Fur Seal Investigation, part 3, 1898.

1905, October 26. W. I. Lembkey. See page 24, Senate Document No. 98, Fifty-ninth Congress, first session.

1907, September 1. W. I. Lembkey. See page 414, Hearing No. 1, House Committee on Expenditures in the Department of Commerce, 1914.

Mr. Murray was associated with Dr. Jordan in the preparation of this report in 1898. No one class of the seals is better known to-day or has been better known in the past than is the class of "yearling" seals.

They are the most numerous of any one class in sight on the hauling grounds after June 10-14 annually, until the departure of all classes including themselves, late in November, annually. They are also the most conspicuous, not only by reason of their numbers and smallest size, but on account of their greater activity and restlessness or playfulness on the hauling grounds.

Mr. BRUCKNER. Are they easily distinguishable?

Mr. ELLIOTT. The yearlings are; they are most conspicuous and are the easiest understood by anybody looking at them for the first time. You can not make a mistake.

Mr. STEPHENS. It is like a yearling colt?

Mr. ELLIOTT. No; it is different. These seals are born at high noon every year, and they have 12 months of distinct growth. It is not like a colt, which may be born in any month, and then the farmer has difficulty in attempting to range it as a "yearling." You can not do that. These seals are born at high noon of every year, i. e., nine-tenths of them are annually born between the 4th of July and the 20th of July—nine-tenths of them.

Mr. BRUCKNER. In the month of July?

Mr. ELLIOTT. Yes, sir. And, when they all grow for the next 12 months, they come back uniform in size.

Mr. STEPHENS. What do you mean by being born at high noon? Do you mean on the longest day of the year?

Mr. ELLIOTT. No; I mean once a year at high noon, in July, between the 4th and the 20th.

Mr. BRUCKNER. They are all practically born in the month of July?

Mr. ELLIOTT. Yes, sir; nine-tenths of them are born between the 4th and the 20th of July. Nine-tenths of the fur seals are born then, and then conceived again for another year. Therefore, when they come back there is not that irregularity that you see in colts, calves, dogs, and in other kinds of domestic animals.



The Russians and seal island natives called them "molodets," or the "small seals," and also termed them "little bachelors." The usual Russian name was "molodets," or "young ones," literally and of both sexes when hauled out, so that "little bachelors" or "malinkie halluschickie" was not quite as fitting as was the natives' designation of "molodets."

Mr. BRUCKNER. Can one distinguish the female from the male?

Mr. ELLIOTT. Yearlings?

Mr. BRUCKNER. Yes.

Mr. ELLIOTT. No, sir; not unless he picks it up and examines it. No living man can do it.

Mr. STEPHENS. Do they come out uniformly, right together?

Mr. ELLIOTT. Yes, sir; they do not separate. But as to the 2-year-olds, when they return as such, the females go to the breeding grounds and never come out again on the hauling grounds.

Mr. STEPHENS. Is it a fact that in killing a yearling they are liable to kill a female?

Mr. ELLIOTT. Precisely. And it is in the sworn testimony that they can not tell them apart and that they are liable to do it.

Every Government agent stationed on those islands has in some one or all of his reports to the Government since 1869, made specific reference to the presence of the "yearlings" as distinct from the older classes on the hauling grounds.

It is interesting to follow the citation of these "yearlings" on the hauling grounds annually, since 1869, by those different sworn public officials in charge of the seal islands

1870. Speaking of a drive and killing of the holluschickie on the island of St. Paul in July, 1870, which he observed, S. N. Buynitzky, special agent of the Treasury Department, under date of December 30, 1870, makes an official report to Secretary of the Treasury George S. Boutwell, to wit:

\* \* \* When the herd has been driven to a certain distance from the shore, a halt is made, and a sorting of the game as to age, sex, and condition of the fur is effected. This operation requires the exercise of a lifelong experience and is of the utmost importance, as the killing of females, which are easily mistaken for young males even by the natives, would endanger the propagation of the species, and the slaughtering of males under 2 years or over 4 years would be a useless extermination, their furs having little value for trade.

(Seal and Salmon Fisheries of Alaska, Vol. I, p. 10, 1898.)

Therefore, Mr. Chairman and gentlemen of the committee, you observe that as early as December 30, 1870, the sense and propriety of prohibiting the killing of yearlings or all male seals under 2 years of age was fully understood on the islands and by the officials in charge.

Mr. STEPHENS. The reason for that is that it is impossible to separate them when they land there the first time?

Mr. ELLIOTT. To separate the sexes.

Mr. STEPHENS. As I understand, the agreement that was made for the killing of those seals—or lease, as you call it—prohibited the killing of females at all?

Mr. ELLIOTT. Yes, sir. And then the regulations ordered the killing of no yearlings.

Mr. STEPHENS. No yearlings or females?

Mr. ELLIOTT. That is right.

Mr. BRUCKNER. How do they separate after two years?

Mr. ELLIOTT. That is the natural law. When the female returns from her second migration as a 2-year-old, she goes to the breeding grounds, being in heat for the first time; and from that time she never consorts with the bachelors on the hauling grounds. But the 2-year-old male never goes on the breeding grounds until he is 6 years old, because he is not strong enough.

Mr. PATTON. What was the weight limit in 1870 for killing?

Mr. ELLIOTT. They had no official regulations at all until 1896. I am coming to that. Nobody wanted the yearlings in those days; there was not the slightest inducement to kill them. They were not worth taking in 1870; nobody wanted them.

Mr. STEPHENS. When did they first begin to take yearling skins?

Mr. ELLIOTT. Eighteen hundred and ninety-six. That is when they began to kill them for the first time, in violation of the law and regulations.

Mr. PATTON. Why did they commence taking them if they were of no use?

Mr. ELLIOTT. Because the value rose.

Mr. PATTON. They were taken then?

Mr. ELLIOTT. Yes. When the bigger seals disappeared, and they could not get them; and, the catch fell, from 100,000 in 1889, to 20,000 in 1890, then they went to the dregs or "*small-pup*" skins, for the demand put up the price.

The CHAIRMAN. Then it was they commenced to take the young seals, because there was money enough in them?

Mr. ELLIOTT. Yes. It did not pay when I was there in 1872; they rotted on the ground; they were of no value.

1872. In 1872, under date of St. Paul Island, September 5, 1872, Chief Special Agent Charles Bryant has the following official report to make *in re* the appearance of the yearlings there on the hauling grounds during the killing seasons of June and July (see p. 36, Seal and Salmon Fisheries, vol. 1):

It is also observable that a larger number of yearlings or last year's pups than usual have returned to the island the present season.

1873. In 1873, under date of September 30, Special Agent Charles Bryant in an extended official report to the Secretary of the Treasury has this to say, particularly of the yearlings (see p. 40, Seal and Salmon Fisheries, vol. 1):

It was also observable that a much larger number of 1-year-old seals arrived on the island during July and August, as if the season had been more favorable for them while absent during the winter and the destruction of them less than usual.

1874. In 1874 Assistant Agent Samuel Falconer, and in charge of St. George Island since 1871, makes to the Secretary of the Treasury an elaborate report upon the seal herd and its condition, dated August 1, 1874. On page 57, Seal and Salmon Fisheries, he has this to say about the yearlings, showing his full understanding of the fact that they hauled out males and females alike together on the hauling grounds during June and July, i. e., "during the breeding season," to wit:

The female arrives at puberty at 2 years, and produces her first pup at the age of 3 years. This I very readily determined from the fact that when 1 year old both sexes haul up on the backgrounds and are not allowed by the bulls to approach the breeding rookeries during the breeding season.

Mr. STEPHENS. Whose report is that?

Mr. ELLIOTT. Falconer, 1874; a shrewd, hard-headed, thorough-going Scotchman, who looked into everything closely. He was the most valuable assistant I had there in preparing my tables of weights and measures. I am glad to do him credit.

Mr. STEPHENS. Where is he now?

Mr. ELLIOTT. He is living. He is an old man, 82 years old, and lives at Wilton, N. Dak.

Falconer also, on this same page 57, Seal and Salmon Fisheries, volume 1, presents:

The following table will show the weights of a number of male seals, taken in the month of July, 1873, from 1 year old up to 6:

Age.	Weight.	Age.	Weight.
	<i>Pounds.</i>		<i>Pounds.</i>
1 year.....	33 to 46	4 years.....	90 to 111
2 years.....	53 to 68	5 years.....	120 to 146
3 years.....	76 to 89	6 years.....	175 to 200

You see, there he states the weight of a 1-year-old seal July 10, 1873, as from "33 to 46" pounds. The mean of it is pretty nearly my table. He makes it 39½ pounds and I make it 39 pounds, I believe.

Mr. BRUCKNER. Is there any difference in the quality of the skin of a male and of a female?

Mr. ELLIOTT. Not at all, sir, except the female skin, I think, is more even; that is, up until they are three years old. From that time on they never change, although the males get worse after their fourth year until they get absolutely worthless; that is, in their sixth year.

1875. Under date of October 11, 1875, Chief Special Agent Bryant, in his annual report for 1875, has this to say of the yearlings as he observed them that season, to wit:

The young male seals return to the islands the first year at the same time of the females, in July, and for every additional year of their age, 10 or 15 days earlier (p. 65, Seal and Salmon Fisheries).

Again he says, on page 66, following the above, with regard to the sea margins of the hauling grounds:

These beaches occupied by the intermediate ages from 1 to 6 years old, together with the few superannuated ones whose age unfits them to cope with the beach masters are called to distinguish them from the breeding places, the hauling grounds. It is from this class or these hauling grounds that the seals are taken for their skins.

There he puts the yearlings on the hauling grounds.

1876. Again in his annual report for 1876, dated "St. Paul's Island, September 26, 1876" (p. 92, following), Chief Special Agent Bryant has this to say:

Of the holluschickie or young males between the ages of 2 and 5 years, there is quite a visible increase shown by their proportions when seals are driven in to kill for food since the quota was full. The number of yearlings or last year's pups that have returned to the island is greater than any year since 1872.

Bear in mind that all these agents had the constant advice and suggestions of the natives. It is in sworn testimony here, that the natives know the age of a seal instantly by sight. That is sworn to by Mr. Lembkey. They never make a mistake. He says they are experts, and they never make a mistake.

Mr. BRUCKNER. You mean it is easy for them to tell the difference?

Mr. ELLIOTT. Yes; they know a yearling or a 2-year-old at sight.

Mr. BRUCKNER. And a 3-year-old and a 4-year-old?

Mr. ELLIOTT. Yes. Mr. Lembkey has testified that they have a high degree of expertness. It is in his direct testimony.

The CHAIRMAN. It seems to me that any man can tell the difference in height between two men when one is 6 feet tall and another one is 5 feet 11 inches.

Mr. ELLIOTT. Yes, sir; they stand like so many steps on a stairway, when you look at them filing over the field. There is not a man at this table who could not have gone with me on those hauling grounds last July, and determined that, just as did my friend Gallagher, who saw them for the first time, and in an hour got accustomed to their sizes: he began to realize the difference in their ages in an hour or two.

Mr. STEPHENS. There is no way except the size?

Mr. ELLIOTT. That is all.

Mr. STEPHENS. Take horses and cattle. You know——

Mr. ELLIOTT (interposing). But they range differently. They are not born all at the same time annually as these seals are.

Mr. WALSH. But there is some exception even about them?

Mr. ELLIOTT. Yes; there are exceptions to all rules. There are a few pups born early in June, the 16th of June; and a few born as late as the 5th of August; but they are not one-hundredth of the whole number. They are so few that they do not make the slightest impression on you when looking at the different seals.

Mr. WALSH. I mean, is there not an exception among those that are born at the same time?

Mr. ELLIOTT. They are practically born——

Mr. WALSH (interposing). The same as in the human being.

Mr. ELLIOTT. You were not here earlier—I can see by your question—when I stated to the committee that nine-tenths of these fur seals are actually born between the 4th and 20th of July. So they grow evenly into yearlings, and are evenly grown when you see them the next year.

Mr. PATTON. What Mr. Walsh means is this: Is there not an exception even in the growth of the ones born at the same time?

Mr. ELLIOTT. Yes, there is, but not enough to mark that grade between the ages. Of course, there are smaller yearlings and bigger yearlings; there are yearlings 41 inches long and yearlings 33 inches long.

1877. In 1877, Assistant Treasury Agent J. H. Moulton, in charge of St. George Island, reports under date of July 28, 1877, that:

All the rookeries are in excellent shape. The rookeries and hauling grounds show an increase of at least  $33\frac{1}{2}$  per cent over last year. This increase is seen in all classes of seals (p. 97, Seal and Salmon Fisheries).

In 1878 Chief Special Agent Morton, the son of Senator Morton, of Indiana, reports under date of May 15, 1878, to the Secretary of the Treasury, from St. Paul Island (pp. 104–105; Seal and Salmon Fisheries, etc.):

From a comparison of my observations of the breeding rookeries on this island during the past season, with Treasury Agent Elliott's survey of their boundaries in 1872–73—

You see he had my official report upon his shelf there, just as I have told you it was there—

I find in most of them a very appreciable expansion, and in none any noteworthy contraction, \* \* \* that a very material increase in all classes of seals has taken place.

1879. In 1879 Chief Special Agent Harrison G. Otis reports under date of September 25 (p. 117, Salmon and Seal Fisheries, etc.):

The numbers of seals of all kinds—bulls, cows, bachelors, and pups—were, it is believed, fully up to the best standard of preceding years; but no correct estimate of the aggregate can safely be given. It amounts to millions.

1880. In 1880 Chief Special Agent Otis, under date of St. Paul Island, July 30, 1880, in his annual report to Secretary of Treasury John Sherman has this to say of the "countless numbers" of yearlings that have hauled out, etc. (p. 132, Seal and Salmon Fisheries, etc.):

I am glad to be able to report the seal life of these islands as still abundant and in satisfactory and promising condition. Seals of all classes and ages and of both sexes have appeared upon the hauling grounds and the breeding rookeries during the present season in countless numbers.

The CHAIRMAN. What was the date of that?

The ELLIOTT. 1880.

The CHAIRMAN. What month, I mean?

Mr. ELLIOTT. July 30 is the date of his report, and he is reporting on the season beginning June 1. These reports cover the season right up to July 30; they are all dated July 30, as that is the end of the season. These reports go back over the work of the season and the condition of the rookeries at the height of the season, between the 4th and 20th of July, and then on the hauling grounds where these yearlings are.

1881. In 1881 Chief Special Agent Otis makes the same report in re seals, dated July 30 (p. 141, et seq., Seal and Salmon Fisheries).

1882. In 1882 Chief Special Agent Otis makes the same report in re seals of "all classes," etc. (p. 152, Seal and Salmon Fisheries).

1884. In 1884 Chief Special Agent Glidden makes same report in re "seals of all classes," dated St. Paul Island, July 31, 1884. (See p. 167, Seal and Salmon Fisheries.)

1887. In 1887 Chief Special Agent George R. Tingle reports, under date of July 31, St. Paul Island (p. 202, Seal and Salmon Fisheries, etc.):

Fully one-half of the pups which go to sea in the fall return as yearlings in the following spring.

In 1888 Chief Special Agent Tingle, under date of St. Paul Island, July 31, reports (p. 207, Seal and Salmon Fisheries)——

The CHAIRMAN. Is that the Tingle who afterwards acted as attorney?

Mr. ELLIOTT. Yes. He has been the attorney of the lessees for years.

Statement B shows the killing on St. George and St. Paul, consolidated each month. The extremely small number of skins rejected, viz, 273, attests the care which is exercised in killing the quota of 100,000. This insignificant loss is the more remarkable when it is considered that in the drives many large bulls and yearling seals are driven up to the killing grounds which have to be separated in the pods when clubbing.

That killing usually began in my time about the 16th or 17th of July.

Mr. STEPHENS. Whose statement is that?

Mr. ELLIOTT. Chief Special Agent Tingle. I will give you my statement very soon and answer the question very fully. I am not

defending these men; I had nothing to do with these men; indeed, some of them are very far from my knowledge or understanding. These are their sworn reports which I am citing to you.

1890. In 1890 Chief Special Agent Goff reports to Secretary of Treasury under date of St. Paul Island, July 31 (pp. 232, 233, Seal and Salmon Fisheries):

Third. The large young seals whose skins are merchantable commence coming about the middle of May, gradually increasing in numbers as the cows appear, and with these large young seals comes a portion of the pups born the summer before; but the greatest majority of the yearlings put in their appearance in the month of July. Now, in opening the season it is customary to secure all the 2-year-olds and upward possible before the yearlings begin to fill up the hauling grounds and mix with the killable seals. By so doing it is much easier to do the work, and the yearlings are not tortured by being driven and redriven to the killing grounds.

The man who made that report never heard of me and never knew of me until he landed on the islands in 1889. That is the truth, however, just as he describes it.

Mr. STEPHENS. Who made that report?

Mr. ELLIOTT. Charles J. Goff, brother of Senator Goff, of West Virginia.

1889-90. Report of Assistant Agent Joseph Murray, dated St. George Island, July 31, 1890. (See p. 238, Seal and Salmon Fisheries.)

Here is a man who was busy in preparing that report with Dr. Jordan.

Mr. STEPHENS. What is his name?

Mr. ELLIOTT. Joseph Murray.

In 1889 the full quota of 15,000 skins was obtained here, but I know now (what I did not understand then) that in order to fill the quota they lowered the standard toward the close of the season and killed hundreds of yearling seals and took a greater number of small skins than ever before.

Mr. STEPHENS. What is the date of that?

Mr. ELLIOTT. July 31, 1890.

The CHAIRMAN. Let me ask you for an incidental bit of information. It seems you say Murray assisted Dr. Jordan is making these fur-seal investigations?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. And made a report to the Government?

Mr. ELLIOTT. Yes, sir. Here it is stated on this title page [indicating].

The CHAIRMAN. Then he was there with Mr. Clark also?

Mr. ELLIOTT. Yes; they were right together.

Mr. PATTON. When was he with Mr. Clark there?

Mr. ELLIOTT. 1896 and 1897.

Mr. PATTON. But this is 1890 that you are giving?

Mr. ELLIOTT. Yes; this was preceding.

The CHAIRMAN. But Murray was with them in 1896 and 1897?

Mr. ELLIOTT. Yes. I am coming down to it. I am going through this chronologically, so there will no mistake in understanding what these men have been doing.

1897: Under date of August 11, 1897, Dr. Jordan's assistant, Joseph Murray, reported the appearance of yearlings on the hauling grounds in July which he had branded in September, 1896, as the 2 or 3-months-old female seal pups of that year, to wit:

The pups branded last year (1896) were also seen hale and hearty in numbers on the hauling grounds and rookeries. \* \* \* This appearance of the branded cows (of 1896), as well of the yearlings (female pups of 1896), shows clearly, etc.



(See Report Fur-Seal Investigations: Part 3, p. 337, Feb. 24, 1898.)

1905: Now we will take a jump over all the testimony given by Chief Special Agent Goff's successors, who have reported in turn just as he has so faithfully stated as to the appearance of the yearlings on the hauling grounds during June and July, annually, to the associate and confederate of Mr. George A. Clark in 1912-13, Chief Special Agent W. I. Lembkey, who under date of October 26, 1905, officially reports to the Secretary of Commerce and Labor, to wit:

Special attention was paid by me to the presence of yearlings in the drives. The first seen was on June 28. \* \* \* On July 1 there were three yearlings seals. \* \* \* On July 5 there were yearling seals. \* \* \* Only July 25 several yearlings. \* \* \* On the last drive made on August 9 a larger number.

(See S. Doc. No. 98, 59th Cong., 1st sess., p. 24.)

And in another place Chief Special Agent Lembkey says the yearlings "returned in a mass" between the 20th and 25th of July. So if he saw several yearlings on July 25, he told the truth, but how many more he did not say. But they were there all right, June 28.

Mr. STEPHENS. You mean they were on the hauling grounds?

Mr. ELLIOTT. Yes; where he was driving seals from to kill.

1904: Also, Chief Special Agent Lembkey, in 1904, makes certain that female yearlings are in these killing drives which he is making in July, to wit:

On July 1 there were three yearling seals in the drives at North East Point. One of them, a typical specimen, was knocked down at my direction, to ascertain the weight of the skin. It was found to be a female.

Special attention was paid by me to the presence of yearlings in the drives. The first seen was on June 28 in a drive from Zapadnie. It was so small that it was killed to determine its weight. It was a male. \* \* \* (Rept. W. I. Lembkey, Sept. 1, 1904, p. 77, App. A, H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

There you are. *Males and females together; no mistake about it; no doubt about it. He killed them; he examined them and he reported their presence.*

Mr. PATTON. But he did not report any great numbers of them?

Mr. ELLIOTT. No. But the London returns fixed the numbers. If the gentleman from Pennsylvania had been here yesterday he would understand the point I am making, and he will, when he reads the testimony that was put in here.

Mr. PATTON. I will read the evidence and see whether I do understand.

Mr. ELLIOTT. And the evidence yesterday, would have stopped that question in a moment.

Now, Mr. Chairman, I will take up another point which is in order at this juncture. Mr. Clark has made a "discovery," July 24, 1913, and learned for the first time then, that yearlings do not annually return to the islands during June and July in any noteworthy numbers. He brands pups in September, 1912, with red-hot irons on the tops of their heads, and then he can not find them on the hauling grounds in 1913, when he searches for them in July.

He gives us the following report of his work thus, beginning September 7, 1912, to wit:

Clark burns with red-hot irons, the tender tops of the heads of two-months-old seal pups, September 7, 1912.

The process of branding is very simple. The older natives held the small group of pups after it had been surrounded in a loose fashion, merely to prevent the animals getting away. A dozen young men in two groups catch the pups, carrying them



by the hind flippers, holding their heads flat on the ground by a grip on the skin of the neck at each side while the brand is being burnt in, and then carrying them out of reach. The mark consists of a T, the stem reaching down between the eyes, the cross piece between the ears. A space of half an inch or more is left free between the two burns. The red-hot iron burns through the fur readily leaving a clear surface, a slight additional pressure insuring the destruction of the roots of the fur. Five seconds are sufficient for each of the two marks and both can be made with a single iron. A plumber's gasoline forge will keep three irons in condition and one operator could theoretically brand three animals a minute. In practice about one a minute is quick work. There is always delay in getting the pups ready. Moreover the work is heavy, not merely for the person doing the branding but for the native holding the animal. The 489 pups branded this afternoon represent a maximum half day's work for two men—or approximately 1,000 pups a day. (Rept. G. A. Clark, MS. 1912, p. 293.)

September 9, 1912 (page 295).

I went very carefully over the rookeries of Reef Peninsula on which the principal brandings have been made, making a thorough search for dead animals. Mr. Proctor on the trip of the launch yesterday, reported seeing some dead pups in the water, whether branded or not he could not determine. \* \* \* The observation, however, raises the suggestion of death from branding. \* \* \* If these pups die it will be from starvation rather than branding. In a word if dead branded pups are found it must be clearly demonstrated that they did not die of other causes before the verdict of death from branding is accepted. \* \* \*

Went on board the *Homer* at 5 p. m. (sailed for San Francisco).

There were no pelagic sealers out there during the entire season of 1912, killing the mothers! We never heard of "the starvation of pups" until the pelagic sealers got there in 1891–1896–97; and the pups never starved in my time, 1872–1890. What does he mean by saying, after receiving Mr. Proctor's report, that these pups had not died from branding but "died from starvation?"

Mr. STEPHENS. What was the age and size of the seals?

Mr. ELLIOTT. About two months old.

Mr. STEPHENS. About what did they weigh?

Mr. ELLIOTT. When they were branded?

Mr. STEPHENS. Yes.

Mr. ELLIOTT. I suppose 14, 15, or 20 pounds.

Mr. STEPHENS. What would have been the thickness of the skull of the animals?

Mr. ELLIOTT. I am coming to that. I just want to let you know how that death warning was given to him.

Mr. STEPHENS. By whom?

Mr. ELLIOTT. By his own assistant, Mr. Proctor, that "the pups were dead in the water" around there.

Mr. STEPHENS. Is that in evidence?

Mr. ELLIOTT. It has never been in evidence until this hour; Mr. Clark's report is not printed.

Mr. PATTON. How many dead pups did he see?

Mr. ELLIOTT. He did not say.

Mr. PATTON. Well ———

Mr. ELLIOTT (interposing). But no matter, he reported "pups dead in the water."

*The Clark of 1914 vs. the Clark of 1896–97.* The sworn statements of Geo. A. Clark, February 21–24, 1914, as to results *in re* branding pup seals, 1912, and the explicit denial of them made officially, November 7, 1896, and February 24, 1898, by Dr. David Starr Jordan, Dr. Leonhard Stejneger, Dr. F. A. Lucas, Capt. Jefferson F. Moser, Dr. Chas. H. Townsend, Geo. A. Clark, and Joseph Murray,

in their joint official report to the Secretary of the Treasury, entitled "Report of Fur Seal Investigations, 1896-97, Parts I-IV, 1898." (Pp. 336-337, pt. 3.)

#### THE DEADLY PARALLEL.

George A. Clark swears that his branding of pups in *September, 1912*, to identify them as yearlings in 1913, *was the only and first experiment to that end ever made*, and it proves that no yearlings are on the hauling grounds in June and July.

Mr. CLARK. The branding of pups in the fall of 1912 settled this question of the movements of the yearlings. \* \* \* If I made mistakes before, I want to correct them now, because an added light brings an added willingness to remedy any defects which may be brought to light. As I said the branding of pups in the fall of 1912 settled this question of the movements of the yearlings. \* \* \*

We had supposed in 1896 and 1897 that the bulk of the small seals turned back were yearlings or small 2-year-olds. \* \* \*

The point is that in 1896 and 1897 the commission, both commissions quite generally assumed that the yearlings came in large numbers in the close of the season on the hauling grounds. That is the way it appeared to us in 1896 and 1897.

Testimony, duly sworn, of G. A. Clark. Feb. 20-21, 1914, to H. Com. Exp. Dep. Commerce.

But Dr. D. S. Jordan, in an official report to the Secretary of the Treasury, dated *November 7, 1896*, declares that *pups were branded September 1-10, 1896, to serve as exhibits in 1897*, of the effect of branding when they returned as yearlings to the islands.

#### XXI. Branding—Branding pups.

The recent experiment in branding female pups on the two islands will help future observers to record the movements of the cows. During the present season, 124 pups and 2 cows on Lukanin rookery were marked on the back with the following brand  $\pm$ ; on Ketaive, 191 pups were branded across the shoulders with this mark —; and on North Rookery of St. George, 62 pups received this brand  $\equiv$ , and 9 cows this  $\equiv$  (p. 62, Treasury Doc. 1913, 1896).

Return of these pups in 1897, officially recorded:

The pups branded last year (1896) were also seen hale and hearty, in numbers on the hauling grounds and rookeries. \* \* \* This appearance of the branded cows (of 1896) as well as of the yearlings (female pups of 1896) shows clearly, etc. (Rept. Fur Seal Investigations, pt. 3, p. 337, 1898.)

Mr. PATTON. Were they branded in the same manner as Mr. Clark branded them before?

Mr. ELLIOTT. No; they were not killed.

Mr. PATTON. Were they branded with hot irons?

Mr. ELLIOTT. Yes; it is described in detail. They were branded with hot irons in 1896 and Clark branded with hot irons in 1912. *They were branded on the backs and over the shoulders in safe places in 1896; but they were branded on the head, to kill, in 1912, and I am coming to that.*

George A. Clark, under oath, swears that no yearling females went out with the yearling males and 2-year-old males. (Feb. 21, 1914, H. Com. Exp. Dept. Com.)

Mr. CLARK. \* \* \* These few animals were males and it would not be possible in any event for the yearling females to exist on the hauling grounds. That is true because the older bachelors would worry them to death. \* \* \*

The branding of pups in the fall of 1912 settled this question of the movements of the yearlings. Only one of these branded seals was seen on the hauling grounds of Reef rookery, and three all told in the killing season of 1913.

Jordan makes denial of knowledge that the male and female yearling seals haul out together, or come together on the islands.

There remains to be recorded the arrival of the 1 and 2 year old females. Their brothers, we found, arrive at the islands about the middle of July and spend their time on the hauling grounds. Whether the young females come with them to the vicinity of the islands, or are associated with them on the migrations is not known. But they do not associate with them to any great extent on the islands. (Fur Seal Investigations, pt. 1, 1898, p. 66.)

But the Biological Museum of Stanford University holds the proof that Clark has not truthfully testified, and that the female pups branded in 1896 duly returned to hauling grounds as yearlings, in 1897, as reported by Murray and Clark, February 24, 1898.

Dr. Jordan's men take a male and a female yearling seal out of a drive from the hauling grounds, and send them as specimens to Stanford University.

*Sunday, September 27, 1896.*—(P. 12.) A barren cow shot on reef; skin taken for Stanford University. (P. 13.) The skin of a yearling bull smothered in the food drive from Lukannon<sup>1</sup> taken for Stanford University. (P. 14.) A yearling cow shot for purposes of dissection out of the drive from Lukannon. Skin taken for Stanford University. (*Official journal of the United States Agent, St. Pauls Island, entered on p. 53, and copied, July 24, 1913, by A. F. Gallagher.*)

And there they are to-day, male and female yearlings, in the Biological Museum of Stanford University, denying the statement that George A. Clark made here, under oath February 20–21, last.

Mr. STEPHENS. Are they living animals?

Mr. ELLIOTT. No; they are stuffed. They were alive when they were killed, and when Jordan and Clark's men went and got them.

But, Lembkey, with 13 years' experience, reports that the females do come out as yearlings with male yearlings.

On July 1 there were three yearling seals in the drives at North East Point. One of them, a typical specimen, was knocked down at my direction, to ascertain the weight of the skin. It was found to be a female.

Special attention was paid by me to the presence of yearlings in the drives. The first seen was on June 28 in a drive from Zapadne. It was so small that it was killed to determine its weight. It was a male. \* \* \* (Rept. W. I. Lembkey, Sept. 1, 1904, p. 77, App. A, H. Com. Exp. Dept. Com. and Labor, June 24, 1911.)

#### THE DEADLY PARALLEL.

(Sworn statement Feb. 21, 1914.) Clark swears that his branding pups less than 2 months old, September 3, 1912, on top of their heads with red-hot irons, has proved his case—that they did not come back in July, 1913, on to the hauling grounds.

Mr. McGUIRE. What light has this branding thrown upon your report for 1909, if any?

Mr. CLARK. It has cleared up my doubts at that time. I saw a condition in 1909 where practically every small seal was killed, and the question was whether the yearlings came to the hauling grounds or not.

But Joseph Murray (and David Starr Jordan) officially reports that on September 1–10, 1896, he branded 315 female pups and 2 cows on Lukannon and Keetavie rookeries, and in 1897 these female pups returned and were seen on the hauling grounds as "yearlings." (See p. 62, Treasury Doc. No. 1913, 1896.)

The pups branded last year (1896) were also seen hale and hearty in numbers on the hauling grounds and rookeries. \* \* \* This appearance of the branded cows, as well as that of the yearlings, shows clearly, etc.

<sup>1</sup> That drive "from Lukannon" was made on July 27, 1896, from which those yearling male and female seals were secured, as above entered.—H. W. E.

Mr. McGUIRE. That had been the question prior to that time?

Mr. CLARK. Yes.

Mr. McGUIRE. If they came, then the situation of 1909 was a serious one with respect to that. If the yearlings came to the grounds they must have been killed, because there was no considerable number left not killed. The effect of the branding demonstrated that the yearlings did not come to the hauling grounds, and therefore they were necessarily not killed in 1909, and the animals that were killed were the 2-year-olds or above that age.

Clark swears February 21, 1914, that the only yearling seal ever identified by any one up to August 8, 1913, is the one he captured July 24, 1913, that day on the Reef Rookery, St. Paul Island.

Mr. McGUIRE. You know that was a yearling seal?

Mr. CLARK. Yes, that is the only yearling seal that anybody up to that time had any right to swear to.

Mr. McGUIRE. Do you remember its measurements?

Mr. CLARK. This one I caught in 1913, this branded animal, of which we are absolutely certain, its length was 36½ inches.

*They knew what yearlings were, because they had branded pups in 1896: when he reported in 1897 they were there—he knew it, because he saw them. But we are told here, by a man who calls himself a “scientist,” that this was an original “experiment” of his own to determine the return of yearlings by branding! Six thousand pups were branded on the tops of their gelatinous heads in 1912. We will find out about all that when we come to it.*

The Bureau of Fisheries submits the sworn proof, April 24, 1912, that Clark has made an untruthful statement *in re* yearling seal. It weighed a live yearling seal (pup of 1909) all through 1910. These weights agree exactly with Elliott's standard, officially published June, 1875.

Dr. EVERMANN. The bureau has obtained at various times certain reliable data regarding the weights of seals, and I desire to put them on record in this connection.

In the fall of 1909 two fur-seal pups (male and female) were brought to the Bureau of Fisheries in Washington from St. Paul Island. Those two seals are still living, and in excellent condition. They have been weighed on the 20th of every month since they were received here in Washington. The following table shows the weight of each at each weighing:

Date.	Male.	Female.	Date.	Male.	Female.
1910.			1911—Continued.		
Jan. 20.....	Pounds. 28	Pounds. 19.5	Mar. 20.....	Pounds. 46	Pounds. 30
Feb. 20.....	35.25	24.75	Apr. 20.....	45.5	31.5
Mar. 20.....	32.5	25	May 20.....	50.5	32
Apr. 20.....	37	24	June 20.....	55	38
May 20.....	30.5	21.5	July 20.....	56	41
June 20.....	36	26	Aug. 20.....	63	41.5
July 20.....	41	31.75	Sept. 20.....	62	41.5
Aug. 20.....	41.25	30.25	Oct. 20.....	63.5	41.5
Sept. 20.....	44	32	Nov. 20.....	64	43
Oct. 20.....	46.5	34.5	Dec. 20.....	62	43
Nov. 20.....	44.5	34	1912.		
Dec. 20.....	49.5	34.75	Jan. 20.....	63	37.5
1911.			Feb. 20.....	61.25	40.75
Jan. 20.....	50	34.5	Mar. 20.....	62	38.5
Feb. 20.....	44.5	30.5	Apr. 20.....	60.5	37

Dr. EVERMANN. These tables are weights of live seals which we have down at the bureau.

Mr. MCGILLICUDDY. They are not skins?

Dr. EVERMANN. Not skins; no, sir.

(Hearing No. 10, pages 513-514, April 24, 1912, House Committee on Expenditures in the Department of Commerce and Labor.)

#### THE DEADLY PARALLEL ON BRANDING.

Geo. A. Clark, February 20, 1914, under oath, declares that he made the first branding of pup seals to determine when they returned as yearlings in the following year. This was done by him September, 1912, on the Reef rookery, St. Paul Island.

These pups, all males and females, had not returned up to July 25—not one. (Good reason; they were injured in their brains, if not all killed.)

Geo. A. Clark, February 20, 1914, under oath testified, to wit:

Mr. CLARK. It is true, and I want to explain what I mean by it. They cleaned up all of the 2-year-old animals. They killed absolutely no yearlings out of the herd, because the yearlings do not appear on the hauling grounds during the killing season. \* \* \*

Mr. CLARK. I did not know it at the time. This matter comes to my knowledge as the result of the branding of 1912. We branded 6,000 pups with a red-hot iron on the head, and we searched for those animals the next year, and if yearlings came to the hauling grounds, those animals would have come, and they did not come, except two or three animals which we saw. \* \* \*

The CHAIRMAN. What I want to ask you is this: How did you arrive at the conclusion that the quota of 1889 was largely made up of yearlings?

Mr. CLARK. The point is in 1896-97, both commissions quite generally assumed that the yearlings came in large numbers in the close of the season on the hauling grounds. That is the way it appeared to us in 1896-97. \* \* \*

The CHAIRMAN. You had the information that they took yearling seals, did you not, or else it would not be in your report to the Government.

Mr. CLARK. To our knowledge at that time. You remember, this report was published in 1896-97.

*So they "assumed" nothing. They knew in 1896 and 1897, that the pups that they branded in 1896, were back there on the hauling grounds*

Dr. David Starr Jordan, November 7, 1896, officially reports to the Secretary of the Treasury, that Jos. Murray, assistant, Fur Seal Commission, on September 1-10, 1896, has branded 315 pups and 2 cows, at Lukannon and Keelavio rookeries, St. Paul Island: "All female pups." (See p. 62, Treasury Doc. No. 1913: 1896.)

They all return in 1897, "on the hauling grounds," and as "female yearlings."

*(They were not burned with hot irons on the top of their heads, but properly and safely branded on their backs.)*

Joseph Murray officially reports and records the return of these pups in 1897 (which he had branded in 1896), as "yearlings" and "on the hauling grounds," to wit:

The pups branded last year were also seen hale and hearty in numbers on the hauling grounds and rookeries. \* \* \* This appearance of the branded cows, as well as that of the yearlings, shows clearly, etc.

Fur Seal Investigations, part 3, page 337, 1898.

The drive from Lukannon showed a marked excess of yearlings. In the earlier drives these yearlings do not appear, and in the later drives Lukannon sends in an overwhelming majority of them.

Geo. A. Clark, July 25, 1896, page 340, Fur Seal Investigations, part 2, 1898.

*as yearlings, and they reported it. They "assumed" nothing, as Mr. Clark says here under oath; they knew it, just as I knew it 30 years before them!*

Clark swears that he branded pup seals, less than 2 months old, with a red-hot iron on the top of their heads, 3d-6th September, 1912, and then adds:

Mr. McGUIRE. Now, what time in 1912 did you do this branding—what dates?

Mr. CLARK. It was the first week in September \* \* \* on the 3d of September.

Mr. McGUIRE. And you branded them practically from the 5th to 10th of September?

Mr. CLARK. That was really too early, and it was done then because I had to get away.

Mr. McGUIRE. Then in 1913, you say you made a search for the branded animals and they were not there?

Mr. CLARK. Except as to this one animal, which I found in this bunch on the Reef; but I saw in addition to that one, three other animals, two of them on St. George Island.

Sworn statement, February 21, 1914. House Committee on Expenditures in the Department of Commerce.

Mr. STEPHENS. Where will we find that statement?

Mr. ELLIOTT. I am coming to it. I am going to bring it all in. W. I. Lembkey, before the House Committee on Ways and Means, January 25, 1907, pleading the excuse that he "shaved" or "sheared" the heads of "reserved" 3-year-old seals instead of branding them on the napes and backs, as I had demanded he should do, pleading as his excuse for "shaving" that he "could not put red-hot irons on the tops of the heads of 3-year-old seals without injuring their brains." Now, I will read his testimony.

The CHAIRMAN. Lembkey assisted in branding, according to Mr. Clark's statement?

Mr. ELLIOTT. Yes. But I am going back to the time when he appeared before the Committee on Ways and Means, January 25, 1907, and when I had made my charge then, that he had failed to obey the Hitchcock rules, and had put a vanishing mark on the "reserved" seals instead of a permanent one. Then he made the excuse that he would not dare do it on the tops of their heads because it would injure their brains. *He was right; but I told him to put the marks on the napes of the seals where it would not injure their brains, and where they would not sensibly feel it.*

Please observe how Lembkey swears that he can not brand 3-year-old seals on the top of their heads without injury to their brains—so he "shears" them. (*How did the transparent skulls of pups less than 2 months old, shield their brains from injury at the hands of Clark and his red-hot irons?*)

Mr. CHAMP CLARK. What is the reason you can not brand a seal so that the brand does not come off?

Mr. LEMBKEY. That was discussed in full in 1904, at the time this action was put in force. \* \* \* The skull of the seal is very thin, and the question was seriously discussed then whether a severe brand placed on top of the head of this animal would not have a tendency to injure its brain, and also subject the Government to the criticism of insisting on a practice which might readily be considered inhuman and barbarous.

Mr. ELLIOTT. On that Mr. Hitchcock and I agreed in the main. You do not need to brand the skull top—put it on the nape of the seal and it is perfectly harmless—

Mr. LEMBKEY. For that reason the department decided that, while they would mark these seals with a hot iron yet the mark was to be made of such a character that under no circumstances should it burn into the skin of the animal.

(*Hearing on Fur Seals, Ways and Means Committee, Jan. 25, 1907; pp. 58, 59 M. S. typed notes.*)



The untruth *in re* pup branding uttered to the committee Friday, February 20, 1914, by George A. Clark (pp. 9-10, notes):

The CHAIRMAN. In your report did you call it whirlwind sealing?

Mr. CLARK. I did.

The CHAIRMAN. In other words you meant that the sealing company had cleaned up everything they could get?

Mr. CLARK. Yes.

The CHAIRMAN. And you made that report?

Mr. CLARK. Yes.

The CHAIRMAN. And you want to say now that it is true?

Mr. CLARK. It is true, and I want to explain what I mean by it. They cleaned up all of the 2-year-old animals. They killed absolutely no yearlings out of the herd because the yearlings do not appear on the hauling grounds in the killing season; that is all.

The CHAIRMAN. Did you say that in your report?

Mr. CLARK. I did not know it.

The CHAIRMAN. Or do you just want to get it in another shape now?

Mr. CLARK. I did not know it at the time. This matter comes to my knowledge as the result of the branding of 1912. We branded 6,000 pups with a red-hot iron on the head, and we searched for those animals the next year, and if yearlings come to the hauling grounds those animals would have come, and they did not come except two or three animals which we saw. We searched the rookeries for them and did not find them.

\* \* \* \* \*

Mr. STEPHENS. These were pups that they branded?

Mr. ELLIOTT. Yes.

Mr. STEPHENS. But the yearlings that should have appeared next year did not appear?

Mr. ELLIOTT. *Every one of those 6,000 pups that he and Mr. Lembkey, and their associates, marked with red-hot irons, with an "enduring and permanent mark," as they say, had their brains affected. The skull of a fur seal pup is fairly as thin as that writing paper (indicating), and it is translucent. You can hold it up and put a candle in it and it looks like one of those lighted globes above [indicating]. I can take my thumb and push it through the skull of a pup if I want to. Yet, these men say that they held them down, and while they were struggling, they took these hot irons and burned "an enduring mark" right down through the skin.*

Mr. PATTON. Did they say they branded through the skin? Did they not say they branded enough to kill the roots of the hair?

Mr. ELLIOTT. But how do you know where you stop? You can not tell where you stop.

Mr. PATTON. Their report was they burned enough to kill the roots of the hair.

Mr. ELLIOTT. Yes; I am coming to that report. I will show the way they branded. When they used the hot irons on their heads and burned down enough to kill the roots of the hair, can you say where they stopped? And *what is between that thin skin and that translucent bone that covers the cerebellum? Nothing.* Even if that hot iron did not get clear through the skin it might and would easily reach some vital spot and affect the brain. *You put a hot iron on the skull of a new-born babe of our species, which is four-times as thick as the skull of a seal pup, and I will tell you, Mr. Patton, and there is not a man in this land but what would tell you that that babe is a dead one.*

The CHAIRMAN. Do you mean it would die instantaneously?

Mr. ELLIOTT. No; the clots might form slowly, and do, undoubtedly; because they struggle, some of them may live by reason of



being imperfectly branded, and would thus get back alive to the islands next year; but every one, I understand, was "perfectly marked;" therefore he did not see any of those!

Mr. PATTON. Did you ever see one that was marked?

Mr. ELLIOTT. Yes, sir.

Mr. PATTON. Did you ever see one that was dead that was marked?

Mr. ELLIOTT. *No; they were properly branded over the shoulders or on the back.*

Mr. PATTON. How do you know how it affected them?

Mr. ELLIOTT. Well, I will leave that to you, gentlemen.

Mr. PATTON. I do not know.

Mr. ELLIOTT. I leave it to you; I am not going to argue that question.

Mr. PATTON. But you are arguing the question.

Mr. ELLIOTT. No; I am leaving it to you. I am making a statement of the way they did the work. But you, nor any other man, could hardly stand over a pup while it was being held down, was struggling, quivering, and shaking itself, and put that red-hot iron on and say where—to what depth of that thin skin—you were burning. You do not know how deep you are burning. You do not know. *And if you are making an "enduring mark" you are going through that skin.* Now, why did they not brand these seals in a safe place, where they could not injure them seriously? Why did they transfer this safe branding of 1896, which they all recognized as such, then, and put it on the gelatinous plates of the cerebellum of these new-born pups?

Mr. STEPHENS. If they did that, what is your idea of the reason for it?

Mr. ELLIOTT. My idea—well, you can draw your own inference, whether they did that to kill them, or not, or whether it was ignorance. Draw your own inference. There is no report of their coming back in their evidence.

Mr. McGUIRE. It is in Clark's evidence.

Mr. ELLIOTT. *I did not find it in the testimony.*

Mr. McGUIRE. And the report is that they came back since that time. You heard that testimony.

The CHAIRMAN. Mr. Proctor's testimony was that they were dead.

Mr. PATTON. But he only saw one or two dead.

The CHAIRMAN. Let me ask you a question. When did Clark say he came away from the islands in 1912?

Mr. ELLIOTT. On the 8th of August.

The CHAIRMAN. Then he made the statement that they were not there, but they must have come later—was that not the way?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. No. Here is his statement in substance, that they had heard from the islands later and the reports from the islands, from the natives, was that later they had returned in large numbers. That is his statement and I will read it later.

Mr. ELLIOTT. *If you can find it in the notes, I can not. That is all I have to say.*

The CHAIRMAN. Mr. Lembkey said that in 1903 the department made an order prohibiting the branding of seals. Now, what I have doubts about is why this branding was necessary in 1912 for the good of the Government. And, if Mr. Elliott, or anybody else, can enlighten me I would like to hear about it.

Mr. ELLIOTT. Did you want my opinion on it?

The CHAIRMAN. Why should it be necessary for the good of the Government? Was not this a closed season, as established by Congress?

Mr. ELLIOTT. Yes.

The CHAIRMAN. Then what good could come to the Government by doing such a thing?

Mr. ELLIOTT. Not a particle of good.

Mr. McGUIRE. That is a matter of conjecture, a matter where there might be a difference of opinion. Mr. Clark's testimony is that it was done for experimental purposes. His testimony shows clearly that perhaps no man is better informed or has been there more than he, and he stated that he wanted to determine definitely, for all time, as to just what the pups did do, whether they did return during the hauling season, and that it was done of that purpose.

Mr. ELLIOTT. But his report in 1898 was that they do return, and why does he want to do it over again.

Mr. McGUIRE. You have had hundreds of reports of different kinds, some right and some wrong, just as you say, and you quote those that you agree with——

Mr. ELLIOTT (interposing). *No; I quote them all.*

Mr. PATTON. You can not take exception to a man changing his opinion.

Mr. ELLIOTT. But he has not changed his opinion.

Mr. PATTON. You have had to change your opinion?

Mr. ELLIOTT. I would like to whenever I make a mistake.

Mr. PATTON. Because you made an assertion before the committee in regard to the number of seals, and the report shows there were more.

Mr. ELLIOTT. You have got that entirely wrong.

Mr. PATTON. What did you say about the number up there?

Mr. ELLIOTT. I said from their figures that if their census figures were correct in 1904, there could not be a seal left alive in 1907 or 1908 (see Hearing No. 10, pp. 605-606, Apr. 24, 1912). However, I am coming to that census; I am going to take that up. I am coming to that pup count, and I am glad you raised that point.

(Thereupon, by unanimous consent, a recess was taken until 10 o'clock, Thursday, March 12, 1914.)

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COMMITTEE ON EXPENDITURES IN  
THE DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Thursday, March 12, 1914.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

**TESTIMONY OF MR. HENRY W. ELLIOTT—Continued.**

The CHAIRMAN. Mr. Elliott, you may proceed.

Mr. ELLIOTT. Mr. Chairman, when we closed yesterday I had reached that point where I described to you the method by which Mr. Clark had fixed 6,000 pups in 1912 so that they could not get back to the islands by June and July in 1913.

It seems, however, from the sworn testimony given to this committee that Mr. Clark is not the first "expert" or "man of long experi-

ence" to make that "discovery" that the pups do not return as yearlings to the islands in June and July.

It seems that a man who has had more than twice the official experience enjoyed by Mr. Clark on the hauling grounds of the seal islands became suddenly aware of the fact that he had been strangely obsessed ever since 1899, up to the season of 1907, about these yearling seals.

As in "the added light" of all this experience (which Mr. Clark so feelingly described in his case) Mr. W. I. Lembkey "discovers" that the "slow-moving yearlings" can not keep up with the gravid cows, heavy laden with their unborn young, when the return to the islands is made by the latter by June 16 to July 25, annually. He therefore solves the question without putting any hot irons on the gelatinous skull plates of the newborn pups of 1906, by reporting their return in 1907, in his official capacity, as follows:

It is seen thus that yearlings really represent such an inconsiderable portion of the catch of the sealing schooners that no deduction for the effects of sea killing need be made in an estimate of their number.

This is readily explainable. They can not be taken in the sea during the summer of their birth for the very plain reason that they are on land at that time, or have not yet learned to swim beyond the borders of the rookeries on which they are born. When afterwards in the late fall they do take to the sea for their first migration, pelagic sealing has ceased for the year. They do not encounter it again until the following spring.

In the spring, however, the fleet follows the main body of the herd, composed of adult seals, which are accomplished swimmers and which for this reason have left the slow-moving yearlings far behind. This is indicated plainly by the fact of the arrival of the yearlings at the rookeries six weeks later than the main body of the herd.

(Report W. I. Lembkey, Sept. 9, 1907, Appendix A, p. 498.)

Mr. STEPHENS. What time would that put the main body of the herd there?

Mr. ELLIOTT. I am coming right to it. The main body of the herd is there between the 4th and 25th of July.

But in 1912 the "slow-moving yearlings" do better—they all arrive with the cows "in a mass" by July 25.

But Lembkey, under oath, gets uneasy about his "discovery" of 1907—he faces cross-examination; he had not fixed any pups of the year previous so that they could not return in June and July; he tells the truth, finally, as below, to wit:

This habit of annually migrating from the place of its birth to southerly waters can be explained in a few words. Probably 90 per cent of all female breeders give birth to their pups within a period of three weeks, from June 25 to July 15 of each year. These pups remain on the islands until about November 1 to 15 of each year, and then depart southward.

Mr. STEPHENS. That is your contention?

Mr. ELLIOTT. That is his statement denying his statement of 1907.

Mr. STEPHENS. What is the fact? Do they return with the herd?

Mr. ELLIOTT. Yes, sir; that is the truth, which he has told under oath.

Mr. STEPHENS. That statement is correct?

Mr. ELLIOTT. Yes; they do. It was published 40 years ago.

Mr. STEPHENS. That is borne out by the old evidence?

Mr. ELLIOTT. Yes. Then Mr. Lembkey says:

"These pups return to the islands"——

Mr. PATTON (interposing). About what time?

Mr. ELLIOTT. "In a mass about the 25th of July." No scattering ones, no "fragments." "These pups return to the islands the following year "practically in a mass about the 25th of July," and then are known as yearlings."

He comes right here, and under oath, he tells the truth; but, he romances to the Secretary in 1907, about "the slow-moving yearlings. Why, gentlemen, the yearlings are the most alert, sinewy, lean and muscular examples of the class. They can swim all around the cows; jump over their backs, and dive under them, and they can and do beat them to the islands. And they are the quickest, most active, and alert on land. They lead all classes when a drive is made; they show the least fatigue whether you go 1 mile, or 10 miles; and, in the water they are the incarnation of active, restless movement, climbing on the rocks, diving, and going like swallows on the wind under the water. "Slow-moving yearlings." He dropped that, when he got here under oath, and he now tells the truth, to wit:

While a few individuals might arrive among the first bachelors of the season, the bulk of the yearlings arrive in a mass about the 25th of July, as stated.

(Hearing No. 9, p. 413, March 11, 1912, House Committee on Expenditures, Department of Commerce and Labor.)

Therefore, you observe, Mr. Chairman, that those pups of this year have a habit of naturally getting back next year as yearlings, in company with their mothers, if they have not been prevented from so doing by the pressure of red-hot irons on their soft heads, when they were only 6 weeks or 2 months old.

The natives pick out yearlings on the hauling grounds during July 3 to 16, 1912; majority there are yearlings.

The presence of yearlings declared on the hauling grounds of St. Paul Island between July 3 to 16, 1912, by the selection of them as "1 and 2 year olds" made by the natives who know the classes as well as they know the seals themselves.

Clark, to avoid this clear-cut proof of the fact that the yearlings are not only present on the hauling grounds in July, from July 3 to July 16, but are there in greater numbers than any other class, jumbles the figures up with that given for the 2-year-olds and counts yearlings and 2-year-olds in one sum total; he separates the 2-year-olds from the 3-year-olds, however, which is a more difficult task by far than that of separating the 2-year-olds from the yearlings, if there is any difficulty at all, for an expert like those natives.

In 1912, 2,000 3-year-old seals were selected from the hauling grounds on St. Pauls Island, and "sheared" or "branded," just as they have been annually since the Hitchcock Rules of 1904 were published.

Mr. Geo. W. Clark, in his report for 1912, has made a record of the work of selecting these animals day after day as it was done, and reported on the grounds. He has had occasion several times to say in regard to the knowledge possessed by the natives of the ages of the seals, very much as Mr. Lembkey has testified, to wit:

That these natives know what they are doing when directed by the lessees to kill seals, the following testimony of Chief Special Agent Lembkey fully attests; it is found on page 58 of manuscript notes of Ways and Means hearing, January 25, 1907:

"Mr. LEMBKEY. I may say, Mr. Chairman, that the clubbers on the island are expert in their business, and they can determine the weight of a skin on a live seal to within a fraction of a pound.

"Mr. GROSVENOR. That is all I wanted to know.

"Mr. LEMBKEY. They also know the age of a seal from his appearance."

Manuscript notes, page 59:

"Mr. CLARK.<sup>1</sup> These experts can tell a 4-year-old from a 3-year-old, can they?

"Mr. LEMBKEY. By looking at him.

"Mr. CLARK. By looking at him?

"Mr. LEMBKEY. Yes.

"Mr. CLARK. They are pretty expert.

"Mr. NEEDHAM. Are these killers 'natives'?

"Mr. LEMBKEY. Yes; they are natives. I can state positively that they arrive at that degree of experience."

Upon their "expert knowledge" the following separation of the young bachelor seals was made July 3-16, 1912: it shows an overwhelming majority of "1 and 2-year-old" seals, and strangely enough Clark, while he keeps the 3-year-olds, the 4-year-olds, and the 5-year-olds apart in this list, he runs the "1 and 2 year olds" together—why? Why, when the 1-year-olds are the easiest to distinguish apart of any one class! Note the following, on page 235 of his manuscript report of 1912, to wit:

#### JULY 3.

*Reef.*—A drive was made this morning from reef to begin the marking of the breeding reserve of 2,000 males, with the following result:

Animals clipped.....	353
Rejections:	
Small (1 and 2 year).....	906
4-year-olds.....	51
5-year-olds.....	33
6-year-olds.....	8
7-year-olds.....	7
Total driven.....	1,358

[Page 237.]

#### JULY 4.

A drive for marking seals was made this morning from Tolstoi and handled at the head of the lagoon. Following are the results:

Clipped 3-year-olds.....	50
Rejections:	
1's and 2's.....	119
4's.....	18
5's.....	12
6's.....	9
7's.....	2
Total driven.....	210

[Page 240.]

#### JULY 5.

*Zapadine.*—A drive was made from this rookery for marking the breeding reserve of males with the following results:

Marked (3-year olds).....	93
Released:	
1 and 2 year olds.....	299
4-year-olds.....	25
5-year-olds.....	10
6-year-olds.....	5
7-year-olds.....	1
Total driven.....	433

<sup>1</sup> Hon. Champ Clark, Mo.

There is a remarkable scarcity of 3-year-olds and a still more remarkable scarcity of 4 and 5 year olds.

[Page 244.]

JULY 8.

Leaving Mr. Marsh to make the record at the branding \* \* \*.

*Marjorie.*—The results of the branding this morning were as follows:

Marked 3-year-olds.....	165
Rejections:	
1's and 2's.....	393
4-year-olds.....	24
5-year-olds.....	6
6-year-olds.....	4
	<hr/>
Total driven.....	592

JULY 9.

*Reef.*—A second drive for the breeding reserve was made from reef this morning with the following results:

Former brands.....	200
New brands.....	251
Released:	
1's and 2's.....	1,315
4-year-olds.....	23
5-year-olds.....	17
6-year-olds.....	10
7-year-olds.....	2
	<hr/>
Total driven.....	1,818

[Page 250.]

JULY 11.

*Zapadine.*—A second drive from this rookery for the breeding reserve this morning gave the following:

New 3-year-olds branded.....	62
Former brands noted.....	47
Released animals:	
1's and 2's.....	320
4's.....	6
5's.....	2
6's.....	1
7's.....	1
	<hr/>
Total driven.....	439

[Page 257.]

JULY 15.

The following result of the drive this morning for the breeding reserve:

Former brands.....	88
New brands.....	215
Not branded:	
1's and 2's.....	760
4's.....	15
5's.....	8
6's.....	2
	<hr/>
Total driven.....	1,088

\* \* \* An animal appeared in this drive with a single burnt mark across the neck just back of the ears. It is thought to be an animal marked on St. George, and that a hot iron instead of sheep's shears was used in making the mark.

Mr. McGUIRE. What year?

Mr. ELLIOTT. This is 1912.

Mr. STEPHENS. All of that is 1912?

Mr. ELLIOTT. Yes; this is right in sequence.

JULY 16.

*Reef.*—A third drive for branding is made from the reef and Gorbach. For the first time this season bachelors have been found on the cinder slope of the latter rookery. It aggregated about 2,200 animals and was by far the largest drive of the season. The quota for the breeding reserve in St. Paul is 1,600, and 300 remain to be marked. These were obtained through the handling of 919 animals, the results being as follows:

Old brands.....	54
New brands.....	301
Rejections:	
1's and 2's.....	550
4's.....	7
5's.....	5
7's.....	2
Total.....	919

Here is the exhibition of the separation of 3-year-olds from "1 and 2 year olds" carried out all the way through these records as above. Why have the "1-year-olds" not been separated in the count?

Why has the separation of the 2-year-olds been clearly made from the 3-year-olds when those classes are the most difficult of all to separate?

Mr. PATTON. Who is that from?

Mr. ELLIOTT. This is mine. I have got it all properly quoted.

Mr. STEPHENS. What do you mean by rejections?

Mr. ELLIOTT. Those turned away, you know; they were too small. He was "shearing" 3-year-olds on the tops of their heads.

Think a moment of this shallow trick thus employed by a "scientist" to attempt to conceal the fact that a majority of the seals driven up in 1912 from the hauling grounds between July 3 and July 16 were yearlings!

Mr. PATTON. Does he say that?

Mr. ELLIOTT. I say that.

They were yearlings because they could not by any sophism be called 2-year-olds, since the natives had made the selection surely and well; but Clark kept the records, and has jumbled the numbers of the 1-year-olds with the 2-year-olds, so as to deceive and confuse the reader.

Mr. PATTON. Why did he not separate the 1-year-olds?

Mr. ELLIOTT. The natives did it from the 2-year-olds and 3-year-olds.

Mr. PATTON. Was he not only after the 3-year-olds?

Mr. ELLIOTT. Then why itemize these other classes and constantly jumble together the 1-year-olds and the 2-year-olds?

Mr. PATTON. I do not think it was necessary to separate them when he only wanted the others.

Mr. ELLIOTT. Then why does he separate them and speak of all the others except the yearlings?

The CHAIRMAN. Just answer the question of the Congressman.

Mr. ELLIOTT. I did; I answered him. If I am itemizing the rejections as he did, why jumble together the 1 and 2 year olds?

The CHAIRMAN. Just answer his question. It seems to me you were talking at the same time he was asking his question.

Mr. ELLIOTT. Well, I have answered it.



On June 14, 1913, Mr. George A. Clark was instructed to capture, kill, measure, and weigh a series of such "survivals of the branding of 1912" as he might find in 1913, as yearlings, on the Pribilof hauling grounds, as might be necessary to "obtain a mean or typical index to the yearling seals male and female." (See letter of departmental instructions, June 14, 1913, item "(5) Ages of the seals.")

Did Mr. Clark do so? No. He not only did not make this record, but he actually went under oath February 20-24, 1914, and swore to the House Committee on Expenditures in the Department of Commerce, that up to July 24, 1913, he had not seen a single one of the branded seals of 1912—not one—from July 10, when he first arrived at the islands, till the date of July 24.

Was he telling this committee the truth? If he was, then he has not reported the truth to the Bureau of Fisheries under date of August 24, 1913.

We find in his manuscript report to the bureau that he describes on page 65, under date of July 10, and the first day of his arrival on the islands, the appearance that day to him, on the north rookery of St. George Island, of one of the 1912 branded seals, which was a yearling of his own identification.

Did he make any attempt to secure it, measure and weigh it, and establish by so doing "a mean or typical index to the yearling seal," etc., as he was instructed to do? No.

Next we find on page 68, under date of July 14, that he describes the appearance of another one of his branded yearling seals (pup of 1912) on St. Pauls Island at Zapadnie; does he attempt to secure it, to weigh, measure, and by so doing obey his instructions? No.

Next we find on July 18, page 76, that he has again noted the appearance of a yearling seal of his pup branding in 1912, on Garbotch Rookery. Does he secure it? No.

Next we find on page 79, July 20, that he has again seen a "branded bachelor" at Zapadnie Rookery, St. Pauls Island; does he attempt to secure it and record its weight, measurement, etc.? No.

Finally, on page 87, under date of July 24, he actually observes a branded yearling on the Reef Rookery, which was one of the pups that he had burned on the head here, in September, 1912, and he captures it; *he only makes a single measurement of its length from tip of nose to root of tail (36½ inches), and lets it go!* He has this to say: "In the case of the five yearlings handled to-day all were males."

Why did he make no measurements, record no weights of body, of skin, etc., of these yearlings, all of them, as he was instructed to do June 24, 1913?

Why did he fail to do this? He was more fully authorized in 1913 to take, kill, and measure and weigh those yearling seals than Elliott was in 1872-73 to do so. Elliott had no such instructions. But he took 25 or 30 yearling seals, nevertheless, killed, weighed, and measured them, in 1872-73, between July 10-20, on St. Paul, and July 24 on St. George; and his official record of those yearling weights and measurements was duly published nearly 40 years ago (i. e. June, 1875) by the United States Treasury Department (see *Condition of Affairs in Alaska*, etc., p. 150, 1875). Who has disputed them sensibly, or who does to-day?

In 1913, Elliott records the same appearance of yearlings on the Pribilof Islands during July that he has recorded way back in 1872-

1874; the same "small seals" from 33 to 46 pounds in weight and from 34 to 41 inches in length; the same yearlings of 1872 were under his eyes in 1913, July 9 to 31, which Clark also saw at the same time, last summer, with Elliott.

Clark never disputed the appearance of yearlings to Mr. Elliott's face on the islands, last summer; he did try to get Elliott to argue over the relative number of yearlings that were hauled out as compared with the 2, 3, and 4 year olds. Elliott declined to argue over that question.

I was not sent up to argue with anybody. I was sent up to get these facts and bring them here, and if there is any argument with Mr. Clark, this committee must argue with him; not I.

Now, why did Clark fail to make a record of the sizes and weights of these yearling seals for his own identification and as he was "instructed" to do?

He had abundant time; he had unlimited assistance, if he required help; they why did he fail to make that record of those yearling seals as he was instructed to do?

There is good reason; if he had done so, he would simply have confirmed the Elliott table of yearling weights and measurements made in 1872-1874, and duly published ever since 1875.

The truth in regard to Mr. Clark and his "expert" errands of 1912 and 1913 to the Seal Islands is simply this: He went up to the islands with the plan of laying some foundation for the "discovery" of the "fact" that the yearling seals do not haul out on the islands during the months of June and July, and as the commercial (or lessees) killing season has always ended annually by July 31, yearling seals could not have been killed and were not killed, as charged.

Mr. Elliott's unexpected appearance last July on the islands put a quietus to that trick of "scientific" denial of the hauling of yearlings in June and July. The game could not be played with a lone hand, as was planned in 1912.

Now, gentlemen, we will come to the "count" of pups. That will be very short; it will not take long to uncover the untruth of that. I will do that right from his own records.

*Proof of the untruth of "accurate live pup counts," which Geo. A. Clark claims to have made in 1912 and 1913.*

I do not think it necessary to dwell upon the untruth of Mr. Clark's claim to have made an "accurate count of all the live pups" on the Pribilof rookeries during the seasons of 1912 and 1913.

If he did make an accurate count of all the live pups on St. George Island in 1912 (where the counting has been easiest to attempt), then he made an incorrect count of them in 1913, for his figures of 1912 showed 11,949 pups there, and in 1913 he again "counts" them and there are only 12,811—an increase which is microscopic; in fact, no increase at all. (See p. 14, Clark's Rept., 1913.)

Those seals must have increased on those St. George rookeries between August 1, 1912, when he counted 11,949 cows alive and busy, up to that date, by at least 18 per cent in 1913; yet this "accurate pup count" of Clark in 1913 denies any notable increase there at all.

The whole business of "accurate live pup counting" is a farce; and, not only that, but it is a positive injury to the herd in its con-

duct. The sham and nonsense of it has been fully exposed to view in countless entries in the official journals of the islands, and it ought to be prohibited from any repetition hereafter.

Mr. PATTON. What is his count for 1913?

Mr. ELLIOTT. Twelve thousand eight hundred and eleven. I read it here.

Mr. PATTON. What was his count for 1912?

Mr. ELLIOTT. Eleven thousand nine hundred and forty-nine.

Mr. PATTON. Is not that an increase?

Mr. ELLIOTT. Less than 1,000. That is a microscopic increase, as I said before. That is not a legitimate increase; that is not a fair increase.

Mr. PATTON. It is about 10 per cent?

Mr. ELLIOTT. They do better than that; 18 per cent is the idea I have.

Mr. MCGUIRE. Mr. Clark says about 12 per cent.

The following analysis of Clark's 1912-13 live pup count is taken from his report of 1913, pages 14, 15. When he found his 1912 figures were not sensibly increased on St. George by his work on the rookeries there in 1913, and duly witnessed by Messrs. Hatton, and Proctor, he rushed over to St. Paul and run the pups up there by "counting" them so as to show a "net increase of 13 per cent" over his 1912 figures.

Of course, he had no idea of the Elliott totals at the time, and did not have any idea that Elliott would show an increase of at least 25 per cent for the St. George herd in 1913, assuming that Clark's figures for 1912 were correct.

The following analysis exhibits this fact, to wit:

*Estimates made of number of fur-seal pups born, season of 1913.*

Rookeries.	Geo. A. Clark.		Elliott.	Remarks.
	1912	1913	1913	
St. George Island:				
Zapadni.....	1,246	1,408	2,250	Clark made St. George pup "count" July 31-Aug. 2, 1913.
North.....	4,227	4,319	6,200	
Little East.....	26	25	27	Elliott made his pup estimate July 18, 1913, on St. George. Clark saw his figures of 1912 were not increased, so he goes to St. Paul and runs them up.
East Reef.....	536	444	3,500	
East Cliffs.....	2,307	2,837		
Starry Arteel.....	3,607	3,778	4,200	
Total.....	11,949	12,811	16,177	
St. Paul Island:				
Sievitchie Kammen.....	2,787	3,495	2,520	Clark made St. Paul pup "count" Aug. 3-8, 1913.
Kitovie.....	1,975	1,855	3,322	
Lukannon.....	1,787	1,661		Elliott made his pup estimate July 10-20, 1913, on St. Paul.
Gorbatch.....	6,435	6,368	13,500	
Ardiguen.....	417	475		
Reef.....	13,014	13,984		
Zapadni.....	7,364	7,953	4,850	
Little Zapadni.....	4,436	4,596	4,100	
Zapadni Reef.....	186	197		
Lagoon.....	521	527	500	
Polavina.....	2,736	3,680	7,000	
Little Polavina.....	1,083	1,320	980	
Novashstoshnah.....	2,400	2,812	15,622	
Tolstoi.....	14,979	19,459	7,850	
	6,960	7,313		
	2,114	2,713		
Total.....	70,035	79,458	63,241	
Grand total.....	81,984	92,269	79,418	

The Jordan-Clark census, 1897, 1909, 1912, the self-confessed errors of it:

1897: 129,216 cows. (See p. 15, Treas. Doc. 1994.)

1909: 50,626 cows. (See p. 895, Science, Dec. 27, 1912.)

1911: 39,400 cows. (See p. 367, hearing No. 9; Lembkey.)

1912: 81,984 cows. (See p. 896, Science, Dec. 27, 1912.)

The killing on the islands up to August 1, 1911, took 12,002 seals, and the pelagic sealing fleet, busy up to December 15, 1911, took 13,500 seals, or 25,000 seals from the total officially reported August 1, 1911.

How did these cow seals actually increase with that land killing up to August 1, 1911, of 12,002 seals, and the catch of the pelagic fleet up to December 15, 1911, of 13,000 chiefly taken from 39,400 cow seals August 1, 1911, so by August, 1912, they had actually doubled in less than 7 months after December 15, 1911?

*Is it not true that the 1897 and the 1909 census was way below the real number of cows that then were in existence?*

Does not that prove, when I went up there last year and found 80,000 cows, that these censuses preceding that time were absurd, just as I had charged the Bureau of Fisheries with making a fictitious census April 24, 1912 (pp. 605-606, hearing No. 10)? And this proved it.

If it were accurate, then how could those 50,626 cows actually increase, year by year, up to 81,984, with the uninterrupted killing by a fleet of 30 sealing schooners busy on them from August 1, 1909, to December 15, 1911?

Further comment is unnecessary. Now, I want to say a word about the physical difficulty of pup counting. I am going to give you facts from my own personal observations. In 1872, while watching the "podding of the pups," between the 1st and 10th of August, back of the sand dunes of Tolstoi Sands, St. Paul Island, I saw them gathering into groups, or "pods" there, of tens of thousands. It became interesting and a subject of inquiry for me to find out about how many were in certain "pods," that looked to contain anywhere from 5,000 to 10,000. It was a subject that aroused a great deal of interest and speculation, because the white men who were helping me there, on the islands, in getting up this table of my fur-seal weights and measurements then, insisted that we could not drive those pups so as to count them as we did the yearlings and killable seals from the hauling grounds up to the killing grounds. Then I insisted on having a trial made of it. They all laughed, but good-naturedly went at it with me. We had 12 or 13 natives, and Dr. Kapus, Mr. Church, and Mr. Webster stood by. We started on a "pod" that we estimated contained perhaps five or six thousand pups, although some of the men said there were ten thousand black pups. We worked over that pod for hours and never got them to run like sheep through a gate. We would have to walk back from them until we were, well, as far as that curb over there in the street, before they would move out of the mass. Then they would start to run, 2, 3, 4, 50, or 60 in a bunch, and then if we moved up they would go right back again to the mass. *There was no driving them. If you did you would smother them;* they would crowd upon one another, climb upon one another, and the lower ones would be smothered. Then I saw there was no use of attempting to drive any great mass of pups. It was perfectly evident that to count them in that way

was impossible. If you had a little gathering of, perhaps, 100 or 200 in such a place, you could step back and they would start—one would start out, then another, and so on. If you were patient and would wait, they would start out and you could count them.

Mr. STEPHENS. What was the age of those pups?

Mr. ELLIOTT. Oh, they were about 6 weeks or 2 months old.

Mr. PATTON. How many seals were on the islands then?

Mr. ELLIOTT. When I was there then?

Mr. PATTON. Yes.

Mr. ELLIOTT. In those days there were over a million pups on all the rookeries; of all classes there were at least 4,700,000.

Mr. PATTON. About 10 or 12 times as many as there are now?

Mr. ELLIOTT. Yes; 20 times times as many.

Mr. PATTON. And that made quite a difference in the counting?

Mr. ELLIOTT. Oh, yes. Now, I want to come back to the point. You are talking about the "difference in counting." Now, there are physical features, Mr. Chairman, on the rookeries, natural features through the lay of the land, that make it not only difficult but impossible to drive and to count them, that is, where these pups are gathered to-day as the rookeries have shrunk right down to the edge of the sea, and where they lay in pockets between huge rough bowlders and deep crevices and up above them high shelves. You can not get down in among them and drive them up; you can not by any possibility get them to move; you have got to haul them out from the rocks and crevices and stand right over them and count them as they are huddled up in masses. And it at once becomes an "estimate," not an "accurate count" of every seal. I have never contended that a man could not go in that way and estimate the number of pups: but no living man ever "accurately counted" the pups, all of them, on those islands, and no man can do it.

*You can get them to move in certain places, as I have said: but you can not move them in all the places to-day, any more than you could when I was there away back in 1872, because the physical difficulties are there just the same. The structure of the shore and the lay of the rocks is such that you can not get them up to move in any direction. You have got to get right down in among them, and haul them up, or over, or you have to push them around. And, gentlemen, that is all nonsense. It is not necessary to know the exact numbers of those seals. If you could count every pup, it would not do you any good. You can come approximately and sensibly to a general idea. You know you have got down to the dregs to-day, and you are bound to come to that idea, as we did last summer. A man can go over every foot of the ground as we went over it and as we charted and described it; and he can see from station to station and from point to point on the maps as we have put them here, and if there are more he will see them, and if there are less he will notice them. Any man of common sense can do it. It does not make any difference whether there are 5,000, 10,000, or 20,000; in the aggregate it does not amount to anything. There must be a million pups there before the surplus male life that we can draw upon, is safely established. Then we can go in, from past experience, Mr. Chairman, and take 40,000, 50,000, or 60,000 choice young male seals annually, into the indefinite future*

Mr. STEPHENS. Of what age?

Mr. ELLIOTT. After there is this increase, when there is at least a million pups, then the safe surplus 2 and 3 year clds would be annually, some 60,000.

Mr. PATTON. He means the age of the seals to be taken.

Mr. ELLIOTT. I would take male seals at 2 and 3 years old.

Mr. PATTON. You say you would take 40,000 or 50,000 if there were 1,000,000 there, but if there were 500,000 do you mean to say you should not take 20,000?

Mr. ELLIOTT. I do not think it would be a safe thing to do.

Mr. PATTON. Why not?

Mr. ELLIOTT. I will come to that. If you want me to go into that I will explain exactly. I was coming to that. That is the commercial side of it.

George A. Clark, under oath, affirmed, February 20, 1914, that the Government had lost \$500,000 during the season of 1913 by not killing 10,000 seals which would have averaged \$50 a piece.

How many skins did the Government get out of 12,920 which it took in 1910, which averaged \$50 a piece?

Only 871 such skins, as the following exhibit of the prices obtained declares, to wit:

#### RECORD OF THE LONDON SALE, PRIBILOF FUR SEAL CATCH, 1910.

The prices received at the London sale, December 16, 1910, for the 12,920 Pribilof skins, taken June and July, 1910, were for the whole catch £83,227 2s. 3d., or \$403,000 net. Average of \$34.38 per skin.

Four-year-olds, or "*middlings*," none taken.

Short 4-year-olds, long 3-year-olds, or "*middlings and smalls*," none taken.

Skins, 78, 3-year-olds, or "*smalls*," brought 240s., or \$60 per skin.

Skins, 793, 2-year-olds, or "*large pups*," brought 218s., or \$54.40 per skin.

Skins, 3,775, short 2-year-olds and long yearlings, or "*middling pups*," brought 164s., or \$41 per skin.

Skins, 6,195, yearlings, or "*small pups*," brought 126s., or \$31.50 per skin.

Mr. McGUIRE. From what are you quoting?

Mr. ELLIOTT. The New York Fur Trade Review.

Mr. McGUIRE. That is a quotation?

Mr. ELLIOTT. Yes; and it is an analysis.

Mr. STEPHENS. How did they classify those 6,195?

Mr. ELLIOTT. As "*small pups*," 1,809 "short yearlings," or "*extra-small pups*," 122s., or \$30.50; 270 not well classified; total, 12,920 skins.

See page 60, New York Fur Trade Review, February 1, 1911.

You see, there is only a dollar's difference between the "*small pups*" and the "*extra-small pups*." You are right down at the bottom, now, down at the dregs, and the dregs bring \$31 a skin while the 2-year-olds and 3-year-olds bring \$60 and \$54; but observe, gentlemen, that of the good 3-year-olds and 2-year-olds there are only 871, the dregs making up the balance. The average runs from \$50 or \$55, as Mr. Clark says it would do, *to less than \$34 a skin*.

The CHAIRMAN. Let me ask you whether you have the prices of the skins of small pups and extra-small pups?



Mr. ELLIOTT. I have got them right here; 126 shillings for "*small pups*" and 240 shillings for 3-year-olds; \$31 for the yearlings and \$60 for the 3-year-olds, and \$54 for the 2-year-olds. But the minute you strike the yearlings you drop right down to \$31, getting for the smallest yearlings \$30.

Mr. STEPHENS. Extra small pups?

Mr. ELLIOTT. Yes; \$30. They are the yearlings.

Mr. McGUIRE. I understand you to say that the London report specifically states yearlings.

Mr. ELLIOTT (interposing). Yes; I have taken the prices from the London reports.

Mr. McGUIRE. I say, the London report states that they are yearlings?

Mr. ELLIOTT. No; they do not state that; they call them "*small pups*."

Mr. McGUIRE. I see.

Mr. ELLIOTT. I call them "yearlings," and anybody who knows anything about them, calls them yearlings.

Mr. McGUIRE. I misunderstood your quotation.

Mr. ELLIOTT. I have made it perfectly straight here. I have not attempted to conceal that or deceive this committee about the quotations from these London standards. They call them "*small pups*" and then I call them "*yearlings*." The "*small pups*" bring that sum. I quote the "*small pups*" as the dregs of the seal sales in London.

Mr. McGUIRE. But you quoted the yearlings.

Mr. ELLIOTT. I put my interpretation on them. I have got it quoted here properly, as you will see by looking at it.

Mr. McGUIRE. You were quoting and stated at various times that you were quoting the London sales.

Mr. ELLIOTT. An "analysis" of the London sales.

Mr. McGUIRE. But you quoted yearlings and 2-year-olds. I thought those were quotations, but I was misled.

Mr. ELLIOTT. No; I have got the quotations on the "*small pups*."

Mr. McGUIRE. I see. Then the yearlings you speak of were thrown in by yourself. That is your own language?

Mr. ELLIOTT. No; that is not——

Mr. McGUIRE (interposing). Is it your own or did you get it from the London sales?

Mr. ELLIOTT. I got the "*small pups*."

Mr. McGUIRE. Where did you get the yearlings?

Mr. ELLIOTT. I got that from my own knowledge.

Mr. McGUIRE. Did you get that from the London prices?

Mr. ELLIOTT. Of course I did.

Mr. McGUIRE. Is the word "yearling" used there?

Mr. ELLIOTT. No, it is not; but I know what a "*small pup*" is and what a yearling is.

Mr. McGUIRE. Then "yearling" was not a quotation?

Mr. ELLIOTT. Certainly not. I have not quoted it here. I have quoted "*small pups*" at "*126 shillings*."

Mr. McGUIRE. That is all right.



Mr. ELLIOTT. I have got the quotations there, but I tell you that the "*small pups*" are *yearlings*, because they are at the bottom of the list.

Mr. McGUIRE. I simply wanted to know whether it was your conclusion or a quotation.

Mr. ELLIOTT. Oh, no; I have got the quotations in the right places on every point.

This table of sizes and prices has prevailed since 1904, and shows the immense pressure put upon the killing of all the large young male seals on account of the prices obtained for the \$60 or "*small*" skins; the lessees paid as much tax as they did for the "*small pups*," and no more; it was worth about \$50 net, while the yearling skin was only \$20 net, for the lessees.

Mr. PATTON. There would not be any inducement to kill the small ones if they could get big ones.

Mr. ELLIOTT. They got all the big ones and then they filled up with small ones in order to get their quota. There were only 871 big ones and they had to take the little ones to get the 12,000. There were only 871 that brought more than \$50.

Mr. PATTON. What is the next price?

Mr. ELLIOTT. The next is \$41.

Mr. PATTON. How many at \$41.

Mr. ELLIOTT. They were "*short 2-year-olds*" and "*long-yearlings*."

Mr. PATTON. How many of them?

Mr. ELLIOTT. 3,775. They brought \$41. They did not bring \$50.

Mr. PATTON. I did not say they did. I wanted to know how many there were.

Mr. ELLIOTT. It is all clearly stated here. You gentlemen have got to read these figures to understand them. I can not understand them when they are being read. So I do not blame you.

How many \$50 skins did the Government get out of the 12,002 skins which it took on the Pribilof Islands in 1911?

*It secured just 1,522 such skins.*

How many \$50 skins could it have secured in 1912? When out of 3,764 skins *it had only 993 such skins*. And it had the whole season to pick them out in; yet this poor showing of good 2-year-olds and 3-year-olds was made?

Then, if this clear inability on the part of the agents of the Government to get more than 993 \$50 skins out of a selected 3,764 skins taken during the whole season of 1912 has thus been declared by the London sales of January 17, 1913, *how in the name of sense could these agents have secured 10,000 "\$50 skins" out of the stock hauled on the islands in 1913?* I will leave that for Baron Munchausen to argue out.

If they had secured those young male seals—those \$50 "*large pup*" and "*small*" skins—10,000 of them, they would have "*cleaned up the hauling grounds*" just as effectively as they did in 1909 when Clark described the job then, as "*whirlwind sealing*."

Yet Mr. Clark reads a long polemic to this committee in which he repeats the stuff and fiction of "*fighting bulls*" and "*trampled pups*" just as though this libel upon the natural law which governs the life of this wild animal had not been exposed, and its authors have not all been properly removed from the islands!

Just take notice of this review of the sale of the last batch of 1,800 skins taken last year and sold in St. Louis, December 16, last, as published in the *Fur News Magazine*, New York, January, 1914, page 43, to wit:

Now, let me read this to you, page 43.

Mr. STEPHENS. What is the date of that?

Mr. ELLIOTT. *The Fur News* of January, 1914, New York, one of the oldest and best established journals of the trade, 71 West Twenty-third Street, New York City. A. L. Belden, president; Paul Belden, secretary and treasurer. Page 43.

#### SEAL SALE.

The most widely, if not best, advertised seal sale was held in St. Louis on December 16, 1913. Prices as compared with the 1912 collection were nearly 40 per cent lower, though the offering of 1912 skins was more than three times greater.

The skins were purchased as follows:

#### For New York:

Charles S. Porter, for G. Gaudig & Blum.....	953
C. & E. Chapal Freres & Co.....	179
Otto Erler.....	180
J. D. Williams.....	90
Total.....	1,402

#### For St. Paul:

E. Albrecht & Son.....	131
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#### For St. Louis:

Samuel Kessler, for Kolb & Teich.....	196
Samuel Pingree.....	83
Stix, Baer & Fuller.....	141
Total.....	320

#### For Leipzig:

Lomer & Co.....	45
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Grand total..... 1,898

This was the smallest seal sale held since the Government purchased Alaska in 1867, and more unnecessary expense was directly attached to it by Government action than any sale of seals ever held; the total amount realized for the skins sold in St. Louis on December 16, 1913, was \$55,156, an average of \$29.06.

Where are those \$50 skins?

Mr. PATTON. How many skins were sold?

Mr. ELLIOTT. One thousand eight hundred and ninety-eight. Yet they could not get any \$50 average. They could not get 1,898 skins to bring \$50.

An average of \$29.06 was very low compared with recent years, and a decline of nearly 40 per cent in average as compared with the sale of the 1912 collection.

The highest price, December 16, 1913, was \$52 per skin, for only one lot of 43 skins; highest in 1912 was \$58 per skin for 109 skins; the lowest price, 1913, was \$15.

Only one lot, the smallest lot in the offering, 18 skins, brought more than in 1912, and only 71 cents more per skin.

In December, 1910, the first year in which the Government sold the skins on its own account, the sale being held in London, with a total of 13,584 skins, the average price realized was \$32.76.

Mr. PATTON. When was this?

Mr. ELLIOTT. December, 1910. I have been reading this to you from the *Fur News*.

Mr. PATTON. Was there just as much of a demand for skins as there had been?

Mr. ELLIOTT. I suppose so. I am quoting these people. I do not pretend to pass on the question at all.

Mr. McGUIRE. Have you the London sales of 1913?

Mr. ELLIOTT. Yes. [Reading:]

C. M. Lampson & Co. exposed to sale by auction at the College Hill public sale room on Friday, 17th January, 1913 (following the fur catalogue), at about 2 o'clock, the following goods, viz: Skins, 3,773 salted fur seals, Alaska.

Here is where you get the prices:

Lot 1, 232 shillings, 4 middlings and smalls, 51 smalls. Lot 2, 232 shillings, 5 middlings and smalls, 50 smalls.

There you get exactly what those skins brought and what the sizes are.

Mr. McGUIRE. They are not figured out in dollars?

Mr. ELLIOTT. No; but you can divide that by four and get the dollars. You see, that is over \$50, about \$58, for the best sizes.

Mr. McGUIRE. Per skin?

Mr. ELLIOTT. Yes. That is what they bring apiece.

Mr. McGUIRE. That is, the best ones?

Mr. ELLIOTT. That is the best ones. There is no difficulty in getting at exactly what they are doing.

Mr. McGUIRE. Find out what the smalls brought.

Mr. ELLIOTT. The "*small pups*" brought "106 shillings." Divide that by four and you will find what that averages (the "*smalls*," or 3-year-olds, brought \$58).

Mr. McGUIRE. What were they?

Mr. ELLIOTT. They were yearlings and so were the "*extra small pups*," "106 shillings." Having all of these figures it is not difficult to find what these skins brought.

The CHAIRMAN. I would like to ask whether there is any difference in the prices of skins now and the prices of some years ago?

Mr. ELLIOTT. Oh, they vary; they have their ups and downs, of course. But they have been very steady for the last 10 years. They have brought nearly the same average.

Mr. PATTON. Just about the same?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. Do you know whether the fact that Congress passed a law to have a closed season had any bearing upon the prices?

Mr. ELLIOTT. No. There have been but a few of them in the market since 1890, and it did not have any effect at all. They have discounted the disappearance for the last 10 years of these skins, but the minute the supply comes back to them, they will come to it all right again.

Mr. STEPHENS. Did the stopping of pelagic sealing raise the prices?

Mr. ELLIOTT. No; not at all.

The CHAIRMAN. Does this comparison of prices between the different grades, as they are found in the London sales catalogues, run pretty well all the way through?

Mr. ELLIOTT. Yes; they have run ever since 1869 that way. The best skins are the 3-year-olds, or "*smalls*."

The CHAIRMAN. I mean, whether this comparison you spoke of a little while ago—

Mr. ELLIOTT (interposing). No; these are away up above what they were in 1869. Seal skins have trebled in value since that time.

Mr. McGUIRE. What has caused that?

Mr. ELLIOTT. Scarcity.

The CHAIRMAN. I mean, so far as the price of the skin of a small and extra small pup is concerned?

Mr. ELLIOTT. They run right together; they are about the same thing.

Mr. STEPHENS. What is the difference between the prices obtained in St. Louis last year and the prices obtained in previous years?

Mr. ELLIOTT. Oh, about the same. I think the Secretary did very well in selling them in St. Louis. I think when you have so few of them it is better to have the sale here, because there is the added cost of going over there and the commission, so that it balances up.

Mr. PATTON. And there is the extra cost of advertising, and everything else.

Mr. ELLIOTT. Yes. I will not go into that, but I think on general principles, while we are handling but a few skins, that is the best way to do it.

Mr. PATTON. And while we have the facts here?

Mr. ELLIOTT. Yes, sir. Now, gentlemen, I believe I am ready for any questions and I will be glad to answer any that you care to put to me. I have made all the statements I think it is necessary to make and I do not think I am called upon to go outside to make statements of a personal nature. I do not care anything about it. I am ready to give any answers to you, whether upon anything I have stated or otherwise. I shall be glad to answer all your questions and shall do so frankly.

Thereupon, by unanimous consent, a recess was taken until Friday, March 13, 1914.

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COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Friday, March 13, 1914.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

**TESTIMONY OF MR. HENRY W. ELLIOTT—Continued.**

The CHAIRMAN. You may proceed if you have any questions to ask, Mr. McGUIRE.

Mr. McGUIRE. Mr. Elliott, when were you first on the Pribilof Islands?

Mr. ELLIOTT. I first landed April 21, 1872, at Lukannon Bay, St. Paul Island, at 9 o'clock in the morning.

Mr. McGUIRE. Who owned those islands at that time?

Mr. ELLIOTT. The United States Government. It was a Government reservation.

Mr. McGUIRE. In what capacity did you go?

Mr. ELLIOTT. As an assistant agent of the United States Treasury Department, and unofficially, as a collaborator and associate of the Smithsonian Institution, to make collections and studies of the seal life, birds, and everything else.

Mr. McGUIRE. How long were you there at that time?

Mr. ELLIOTT. I remained on the islands from April 21, 1872, until the following year, when I left them, I think, the middle or end of August, 1873, and returned to San Francisco; went over to the department and told them that I had finished my field work on the islands, and that unless I could have a revenue-cutter and extend my surveys outside, I would complete my report, and hand in my resignation as an officer of the Government.

Mr. McGUIRE. Just when did you leave the islands?

Mr. ELLIOTT. In 1873; the middle or end of August. I am not precise about the date, but it was after the skins had all been bundled and the company's ship was ready to go down. That can be found; I can ascertain that and get the exact date.

Mr. McGUIRE. You were there during the active season of 1872?

Mr. ELLIOTT. And in 1873. I went over and spent the season of 1873 on St. George. I might add, in detail, that I left St. Paul Island, I think, on the 1st of June, 1873, and went over, and landed on St. George Island on the 2d of June, and remained there until about the 2d, 3d, or 4th of August, and then went back to St. Paul, and came down with the skins on or about August 15, 1873.

Mr. McGUIRE. The seals leave the islands during the month of November?

Mr. ELLIOTT. As a body, yes; although some are there during the winter—a few hundred.

Mr. McGUIRE. What did you do during the winter of 1872 and 1873.

Mr. ELLIOTT. I worked up the series of field notes I had made during the summer, which, of course, were very voluminous, because I was on the rookeries day and night. I worked them up in detail and prepared them so that I could renew the survey during the coming season day and night. I also worked up a series of computations from my base-line bearings which bore on my topographical surveys, which I had partly mapped out during the summer but had not completed. I also finished up a series of some 250 or 300 drawings and water colors, being life studies or pictures of that life. Indeed, I was very busy.

Mr. McGUIRE. Did you work principally indoors during that winter?

Mr. ELLIOTT. You have got to work indoors; you can not get out and go about much after the middle or end of November at all.

Mr. McGUIRE. I understood you to say you were on the rookeries day and night?

Mr. ELLIOTT. Why should I be there day and night in the winter? I was there only during the breeding season.

Mr. McGUIRE. I see. Now, during the winter time, of course, whatever work you did was indoors?

Mr. ELLIOTT. It had to be. The object of my spending the winter there—the reason why I did not come down and go up again in the spring—was that I wanted to see the last seals leave in November and December and the first ones arrive in the following spring. When the vessel left in August, of course, that would not do.

Mr. McGUIRE. Now, then, when did you return to the islands?

Mr. ELLIOTT. Well, as I said, I told the Secretary of the Treasury that unless I could go back with a revenue cutter and extend my

surveys outside of the islands, I did not want to return. Then he said, "I will gladly do that if I can get authority from Congress."

Mr. McGUIRE. I asked you when you next returned?

Mr. ELLIOTT. I went back on the revenue cutter *Reliance* under authority of an act approved April 22, 1874, which authorized the Secretary of the Treasury to appoint a man qualified by experience and education to make a survey of the condition of the fur-seal herd and other matters in Alaska. I received my appointment——

Mr. McGUIRE (interposing). You returned in 1874?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. At what time.

Mr. ELLIOTT. I must have gotten back about the 6th or 7th of September, or later, perhaps. I can find that; it is all in the record and testimony here, however.

Mr. McGUIRE. I am asking for your best judgment.

Mr. ELLIOTT. It is about that or within a few days. I was accompanied by an associate, Lieut. Commander Washburn Maynard, United States Navy.

Mr. McGUIRE. When you returned in September, 1874, how long did you remain?

Mr. ELLIOTT. Then I had my report to elaborate——

Mr. McGUIRE (interposing). I am asking you how long you remained. Tell me that.

Mr. ELLIOTT. Remained where?

Mr. McGUIRE. On the islands.

Mr. ELLIOTT. I landed on the islands in 1874, I think, the 28th of June.

Mr. McGUIRE. I thought you said September.

Mr. ELLIOTT. No; I landed on the islands the 28th of June and remained there until the middle of August, or near the end, before I left them. Then we cruised to St. Matthews Island, St. Lawrence——

Mr. McGUIRE (interposing). In 1874 you returned to the islands?

Mr. ELLIOTT. Yes; landed on St. George June 28, on the *Reliance*, that being the name of the revenue cutter, Capt. Baker.

Mr. McGUIRE. How long did you remain on the islands at that time?

Mr. ELLIOTT. From June 28 I was there until the 14th or 15th of August, after the skins were all taken, and the work of the season closed. Then we went aboard the *Reliance* at St. Paul Island, and cruised to the northward, to St. Matthews Island; made a survey of that island, to see whether there was any possibility of seal rookeries having been there, or whether they could be there.

Mr. McGUIRE. You were at that time in the employ of the Government?

Mr. ELLIOTT. Wholly; yes, sir; and I was employed under the authority of that act. There was no other designation except that.

Mr. McGUIRE. When did you again return to the islands?

Mr. ELLIOTT. Then again I went to the islands in 1876, in an unofficial and confidential capacity, as an arbitrator for the lessees in a family difference over business they had. I got up there in September, and left, I think, the latter part of that month or early in October. I was there about three weeks.

Mr. McGUIRE. You went to the islands unofficially——

Mr. ELLIOTT (interposing). In an unofficial capacity entirely.

Mr. McGUIRE. In 1884, you say?

Mr. ELLIOTT. In 1876 I went up.

Mr. McGUIRE. At what time did you land on the islands?

Mr. ELLIOTT. Oh, I think it must have been about the middle or end of September. I am not certain. And I stayed there about 3 weeks, and then came right down, after making certain examinations.

Mr. McGUIRE. You say you went unofficially?

Mr. ELLIOTT. Yes. I went up as an arbitrator in a dispute between the directors of the lessees, the board of directors. Three of them wanted to curtail the killing, and four of them wanted to continue it. And they agreed to leave it to me.

Mr. McGUIRE. You were there at that time about how long?

Mr. ELLIOTT. Not to exceed three weeks, I do not think. Of course I made no report——

Mr. McGUIRE (interposing). Now, let us see. Just whom did you represent when you went there in 1876?

Mr. ELLIOTT. I represented nobody but myself. I went up there as my own master, at the invitation of these warring factions in the board of trustees.

Mr. McGUIRE. Now, who were the warring factions?

Mr. ELLIOTT. The board of trustees.

Mr. McGUIRE. Tell us who constituted the board of trustees?

Mr. ELLIOTT. There were three on one side and four on the other. There were seven members, and four wanted to continue the killing, to take 100,000, and three were not in favor of it; then it was in dispute.

Mr. McGUIRE. By what authority was this board of trustees constituted?

Mr. ELLIOTT. Oh, by their act of incorporation.

Mr. McGUIRE. Who constituted the board of trustees?

Mr. ELLIOTT. Well, the men that I personally knew and was in contact with were H. M. Hutchinson, John F. Miller, Gustav Niebaum, Louis Sloss, William Kohl, and William Gerstle. Those are the men I came in contact with.

Mr. McGUIRE. They were trustees of what?

Mr. ELLIOTT. I call them "trustees," but they were directors. They were stockholders and directors of the Alaska Commercial Co. The whole story of the organization is in my report of November 19, 1874, made to the Secretary of the Treasury.

Mr. McGUIRE. I want to find out now who these men were and what they were in fact. Were they the representatives of a corporation?

Mr. ELLIOTT. Yes, sir; the Alaska Commercial Co., the lessees of the islands.

Mr. McGUIRE. They were in fact the lessees?

Mr. ELLIOTT. Certainly. That is what I mean.

Mr. McGUIRE. You went at their request?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And were in their employ?

Mr. ELLIOTT. No, sir. I was not hired by them to do anything.

Mr. McGUIRE. Did you receive any remuneration?

Mr. ELLIOTT. Yes. That is in the testimony. I have given it in detail here.



Mr. McGUIRE. Well, I am asking you now. I do not want to refer to that testimony.

Mr. ELLIOTT. Yes; I received substantial remuneration for my services after they were over.

Mr. McGUIRE. How long were you in the employ at that time of the Alaska Commercial Co.?

Mr. ELLIOTT. I could not have been in their "employ," as you call it, and I object to that term, because I was not hired by them. I was engaged in that particular business not much over six weeks, or two months.

Mr. McGUIRE. You do not mean to say you imposed yourself on them?

Mr. ELLIOTT. No; they asked me to act as umpire.

Mr. McGUIRE. And you received remuneration?

Mr. ELLIOTT. Yes, sir; but it was never mentioned before I went up; that is, no mention of compensation between us.

Mr. McGUIRE. Do you not regard that as being an employee?

Mr. ELLIOTT. No; an employee is hired; an employee signs a contract, stipulating just what he is to do, and his terms.

Mr. McGUIRE. But this company requested you to go, did they not?

Mr. ELLIOTT. Yes; they asked me.

Mr. McGUIRE. And in obedience to that request you went?

Mr. ELLIOTT. Yes; in obedience to the verbal request.

Mr. McGUIRE. And as a result of their request and your compliance with it you accepted remuneration?

Mr. ELLIOTT. Certainly. That is perfectly true, and I did that.

Mr. McGUIRE. And in your judgment that is not employment?

Mr. ELLIOTT. Certainly not; because no man hired me; no man directed me, and I signed no contract. I was my own master.

Mr. McGUIRE. How long was it before you went to the islands again after 1876?

The CHAIRMAN. Was that the only time you did anything at all for that company?

Mr. ELLIOTT. That is the only real service—no; there was one more. There was a dispute between Gen. Otis, who was then chief special agent in charge of the islands, and—

The CHAIRMAN (interposing). My only idea was to clear that up.

Mr. ELLIOTT. Yes; there was one other. I came in once again, as umpire, in 1882 or 1883. Gen. Otis, chief special agent of the islands, got into a dispute with the company's manager, Dr. McIntyre, and it was so serious that either one or the other had to go. So the directors came to me again and asked me to act as umpire. I took Gen. Otis's part, and McIntyre went to Europe and took a "rest" for three years.

The CHAIRMAN. Is that the only time?

Mr. ELLIOTT. Those are the only two services I ever rendered to the Alaska Commercial Co., and I never did anything else for them. I never wrote a letter for them; never crossed the threshold of a department for them; never interviewed or appeared before a committee for them; or, in any way whatever, had I any knowledge of their business in Washington or in any way whatever did they ever consult me about their business in Washington. They had a resident attorney here, an able, competent man, Gen. Jeffries, who attended to all of their departmental business. They also had a resident agent

here, one of the stockholders and directors, H. M. Hutchinson, who attended to all their society business, if they had any, or whatever it was.

Mr. McGUIRE. You were not their society agent?

Mr. ELLIOTT. I was not their "business" or "society" agent. I was in no way associated with them so that I could be hitched up with them in any business relations, here or elsewhere.

The CHAIRMAN. In whose favor did you say you settled the dispute?

Mr. ELLIOTT. In favor of Gen. Otis, the agent of the Government. I turned their man down.

The CHAIRMAN. The company's man?

Mr. ELLIOTT. Yes; Dr. McIntyre. It was a bitter pill, too, for him, and not pleasant for me, since he was a personal friend.

Mr. McGUIRE. Now, recurring to my last question, when was your first trip to the islands again, after the one made in September, 1876?

Mr. ELLIOTT. It was in 1890, under the authority of an act approved April 5, 1890.

Mr. McGUIRE. You went again in 1890?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Just tell me what time you landed?

Mr. ELLIOTT. I think I landed that year May 21. It is in the testimony.

Mr. McGUIRE. Well, just your best judgment.

Mr. ELLIOTT. I went up on the company's steamer *Arago*, from San Francisco; sailed May 6, 1890, I believe.

Mr. McGUIRE. What company's steamer?

Mr. ELLIOTT. The North American Commercial Co. steamer, *Arago*.

Mr. McGUIRE. The lessees?

Mr. ELLIOTT. Yes; the lessees' steamer *Arago*. We sailed from San Francisco May 6 and we got up there, I think, on the 21st.

Mr. McGUIRE. How long did you remain there at that time?

Mr. ELLIOTT. I came down on the *Arago*. I think I left the islands the 14th or 16th of August, 1890.

Mr. McGUIRE. You were there from about May 21 to August 16, and during the active killing season?

Mr. ELLIOTT. Yes, sir; until the skins were all bundled and on the vessel, and I came down to San Francisco with them.

Mr. McGUIRE. In what capacity did you go at that time?

Mr. ELLIOTT. As special agent of the Government under authority of the act I have just quoted, passed especially to send me up there, and so mentioned on both floors of Congress, House and Senate.

Mr. McGUIRE. Did you lobby for that act?

Mr. ELLIOTT. No. I did not know a thing about it and did not have a thing to say or do about it until Secretary Windom opened the question. It was passed within three weeks from the day it was first broached to me, and became a law in three weeks afterwards. It was drawn in the Treasury Department by Hon. Wm. McKinley, jr., and Secretary Windom.

Mr. McGUIRE. It was passed within three weeks from the time it was broached to you?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Who mentioned it to you?

Mr. ELLIOTT. Secretary Windom.

Mr. McGUIRE. And he was then Secretary of the Treasury?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Now, when were you next on the islands?

Mr. ELLIOTT. I was there under the authority of this committee in 1913. I arrived off the islands on July 8 at noon.

Mr. McGUIRE. What year?

Mr. ELLIOTT. 1913. We anchored at the village anchorage, St. Paul's Island, 5.40 p. m., July 8; went ashore the next morning at 8.40 a. m., and I took up my quarters in the Government house the same day, July 9, and made my preparations for work on the rookeries, under the authority of this committee.

Mr. McGUIRE. And left when?

Mr. ELLIOTT. Left Seattle July 1, and left Washington——

Mr. McGUIRE (interposing). No; I mean when did you leave the islands?

Mr. ELLIOTT. I left the islands July 30, at noon, on the United States Revenue Cutter *Unalga*.

Mr. McGUIRE. You landed on the island July 8?

Mr. ELLIOTT. No; July 9, 8.40 a. m. I arrived at the islands July 8, 5.40 p. m., United States Revenue Cutter *Tahoma*, and anchored right at the village landing.

Mr. McGUIRE. And left July 30?

Mr. ELLIOTT. Left July 30.

Mr. McGUIRE. There were about 23 years intervening?

Mr. ELLIOTT. Yes; just 23 years.

Mr. McGUIRE. During which time you had never been on the islands?

Mr. ELLIOTT. No; never had been on the islands at all.

Mr. McGUIRE. I wish you would state, just as briefly and concisely as you can, exactly what the second service was that you rendered to the Alaska Commercial Co.

Mr. ELLIOTT. Relative to Gen. Otis?

Mr. McGUIRE. The second service that you mentioned. Who employed you?

Mr. ELLIOTT. I was not "employed." I was asked to act as arbitrator.

Mr. McGUIRE. Then who asked you?

Mr. ELLIOTT. The warring factions there.

Mr. McGUIRE. Who were the warring factions?

Mr. ELLIOTT. The board of directors.

Mr. McGUIRE. Was this the same board of directors——

Mr. ELLIOTT (interposing). They were in dispute as to whether they would support McIntyre or not.

Mr. McGUIRE. Was this the same board of directors?

Mr. ELLIOTT. Yes; just the same board, and I believe the same men.

Mr. McGUIRE. That secured your services before?

Mr. ELLIOTT. Yes; I believe they were the same men; I believe so.

Mr. McGUIRE. Do you now recall which member of the board secured your services?

Mr. ELLIOTT. It is difficult to recall that, because it was very brief and did not last over 48 hours from the time the papers were referred to me over at the Smithsonian Institution. If I remember, the president of the company at that time was William Gerstle, and he addressed me a letter with the papers in regard to this dispute; and

then Gen. Jeffries came to me and brought some other papers to me and said, "Mr. Elliott, our people are at sword's points over this question of whether they will sustain Dr. McIntyre or not, and they have agreed to let you settle it." Dr. McIntyre was their superintendent, and he had gotten into difficulty with chief special agent Otis, who was in charge of the islands, about the conduct of the work there.

Mr. McGUIRE. Do you remember the nature of their differences?

Mr. ELLIOTT. I do not like to recite confidential matters, Mr. McGuire.

Mr. McGUIRE. I did not ask you to recite them; I asked you if you remembered the nature of their differences.

Mr. ELLIOTT. Yes; I remember the substance of them. It was this——

Mr. McGUIRE (interposing). You need not mind if it is a confidential matter.

Mr. ELLIOTT. Well, it was in one sense of the word. It was not public; it was a private matter. But here it is, since we have got it started: Gen. Otis claimed, as the representative of the Government, that he had absolute control of every detail of the work on the islands, absolute control——

Mr. McGUIRE (interposing). Gen. Otis, then, was the Government's representative?

Mr. ELLIOTT. Yes. And Dr. McIntyre claimed that, under the contract, he had exclusive control of certain work on the killing grounds. There is the whole thing in a nutshell. And I took Gen. Otis's part, and said he was the absolute man in control, and that Otis should be sustained by the company.

Mr. McGUIRE. You were employed or requested to decide this matter?

Mr. ELLIOTT. I did not call it being "employed;" I was not hired.

Mr. McGUIRE. Well, your services were secured, were they not?

Mr. ELLIOTT. Yes; they were requested.

Mr. McGUIRE. And secured?

Mr. ELLIOTT. Well, I rendered them.

Mr. McGUIRE. You rendered the services at the request of the company's representatives?

Mr. ELLIOTT. Yes; the differing factions.

Mr. McGUIRE. And how long were you doing that work?

Mr. ELLIOTT. I do not think it took me over 48 hours.

Mr. McGUIRE. You did not go to the islands?

Mr. ELLIOTT. Oh, no; it was done right over in my room at the Smithsonian Institution.

Mr. McGUIRE. Did you receive compensation for what you did?

Mr. ELLIOTT. Yes, sir; I did.

Mr. McGUIRE. From the Government, or from the company?

Mr. ELLIOTT. No, sir; from the company. Why should the Government pay me?

Mr. McGUIRE. I am asking you now.

Mr. ELLIOTT. Oh, yes; from the company.

Mr. McGUIRE. Now, have you mentioned all the remuneration that you have received for services from this Alaska Commercial Co.?

Mr. ELLIOTT. Yes, sir; I have covered the whole field. Those are the only services I ever rendered, and I did not render them as an

employee. I was my own master. I was not hired by anybody, and did just as I pleased; and that is not in the nature of an employment.

The CHAIRMAN. You mean it was more like a judge would render a decision?

Mr. ELLIOTT. Yes.

The CHAIRMAN. Between parties?

Mr. ELLIOTT. Yes; exactly. I was the arbitrator between the two differing factions of this company.

Mr. McGUIRE. Your position is, that one must be hired before they can be regarded as an employee?

Mr. ELLIOTT. Certainly.

Mr. McGUIRE. Of the employer?

Mr. ELLIOTT. Certainly. No other definition can be made.

Mr. McGUIRE. Now, coming to your last visit to the islands, in your report you mention so many bulls?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. You do not seem to separate them, or classify them.

Mr. ELLIOTT. Yes; I do.

Mr. McGUIRE. It is not my recollection that you do.

Mr. ELLIOTT. My report speaks for itself; and they are well classified.

Mr. McGUIRE. In what way do you classify them?

Mr. ELLIOTT. May I refer to my report?

Mr. McGUIRE. Yes; you may refer to your report.

Mr. ELLIOTT. On page 5 I say, "Old bulls (8 to 15 years old), 1,400; young bulls (6 to 7 years old), 150." Those were on the breeding grounds. Now, there were——

Mr. McGUIRE (interposing). That is, the 150 were on the breeding grounds?

Mr. ELLIOTT. Those were all on the breeding grounds. Nothing could be more explicit. I say:

There are some 56,000 cows on the St. Paul breeding grounds and about 16,000 on St. George, or 72,000 pupping cows this season of 1913. To this number we may safely add some 7,000 nubile, making in all about 80,000 cows for this year of 1913. The 72,000 pups of 1913 (less about 2 per cent death rate for natural causes), or 70,000 pups in round numbers, and some 1,400 old bulls, with less than 150 young bulls make up the following sum total of the breeding strength of the fur-seal herd of this season of 1913.

Now, that is explicit and clear, is it not?

Mr. McGUIRE. Well, you have not, seemingly, there mentioned any of the inactive bulls.

Mr. ELLIOTT. Those are the bulls that are on the breeding grounds. They are assumed to be active, even if I did not see them engaged in propagating the species.

Mr. McGUIRE. Were there any other inactive bulls?

Mr. ELLIOTT. Yes; there were about 150 or 200 vagrant bulls, but those come outside.

Mr. McGUIRE. You estimated them differently?

Mr. ELLIOTT. Yes. For instance, turn to page 49. On Upper Zapadni I located about 40 vagrant and spent bulls, all hauled just north of Station V. They are not included in this table on page 5.

Mr. McGUIRE. Did you make an estimate of all of them?

Mr. ELLIOTT. Yes; I have about 1,700.

Mr. McGUIRE. Of inactive bulls?

Mr. ELLIOTT. No; all the bulls, active and inactive. I rounded them up in another place, about 1,700.

Mr. McGUIRE. I am trying to get the number of inactive bulls.

Mr. ELLIOTT. I have got them indicated as spent and helpless, but I count them up in a final summary on one of the pages here. Let us see where it is. Anybody that goes over my work can trace every step, locate every pod, and so forth.

Mr. McGUIRE. I am asking you about other matters. So you did not especially classify the old or inactive bulls?

Mr. ELLIOTT. Certainly not. Why should I?

Mr. McGUIRE. Now, then, what basis did you use for the counting of the cows?

Mr. ELLIOTT. The basis that I recognized and published in 1873 and 1874.

Mr. McGUIRE. What was that?

Mr. ELLIOTT. That half of them were never present at any one time after the 10th of July to the 20th, the time of the height of the breeding season. Let me read to you what I published in——

Mr. McGUIRE (interposing). No; you need not do that. I am asking you what you did up there and that might encumber the record. If necessary, in your judgement and in the judgment of the committee, you can later put it in.

Mr. ELLIOTT. No. If you do not dispute it, it is all right.

Mr. McGUIRE. You proceeded to count the cows that were on the islands?

Mr. ELLIOTT. In each harem as nearly as we could.

Mr. McGUIRE. As nearly as you could?

Mr. ELLIOTT. Yes; as nearly as we could. No man has a right to say that he can "accurately count" those seals.

Mr. McGUIRE. You counted the cows as nearly as you could?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Then——

Mr. ELLIOTT (interposing). And then doubled them.

Mr. McGUIRE. You doubled them?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. And that was the basis of your computation?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Did you count the pups?

Mr. ELLIOTT. No. That is ludicrous.

Mr. McGUIRE. It is ludicrous that you did not count them?

Mr. ELLIOTT. I say, it would be a ludicrous attempt for me to attempt to count the pups—that is, made an "accurate count."

Mr. McGUIRE. Do you mean by that they can not be counted?

Mr. ELLIOTT. I mean they can not be "all counted accurately." No living man can do it.

Mr. McGUIRE. Now, Mr. Elliott, you heard the testimony of——

Mr. ELLIOTT (interposing). I heard it.

Mr. McGUIRE. Of Mr. Clark, that they accurately counted the pups.

Mr. ELLIOTT. I heard it.

Mr. McGUIRE. You heard the testimony of Mr. Lembkey?

Mr. ELLIOTT. I did not hear him say they had "accurately counted" the pups.

Mr. McGUIRE. You saw the signed statement of the people who did the counting?

Mr. ELLIOTT. Yes.

Mr. MCGUIRE. A number of persons?

Mr. ELLIOTT. Yes, sir.

Mr. MCGUIRE. And in the face of that actual counting, as mentioned by Mr. Clark and the signed statement of all the parties, you state that these pups can not be counted?

Mr. ELLIOTT. Yes.

Mr. MCGUIRE. Now, then——

Mr. ELLIOTT (interposing). They can not be "counted accurately." Please make that point.

Mr. MCGUIRE. Yes; can not be counted accurately.

Mr. ELLIOTT. They are estimated.

Mr. MCGUIRE. You heard the statement and saw the certification of the parties who counted, to the effect that when the pups were old enough they got them out and ran them through as they would run cattle and counted them accurately as they could count cattle?

Mr. ELLIOTT. I heard it.

Mr. MCGUIRE. Now, on what date did you leave the islands?

Mr. ELLIOTT. On the 30th of July, 1913, on the *Unalga*, United States revenue cutter.

Mr. MCGUIRE. Were you invited to accompany Mr. Clark and the other parties to count the pups?

Mr. ELLIOTT. Yes.

Mr. MCGUIRE. Did you at that time have an idea that they could not be counted?

Mr. ELLIOTT. Yes.

Mr. MCGUIRE. You at that time had an opportunity, if you were right, to show Mr. Clark that he was wrong, if you had only remained on the islands two or three days longer, if you were right and he was wrong in the position that the pups could not be accurately counted.

Mr. ELLIOTT. You assume that there is a doubt in my mind about that business.

Mr. MCGUIRE. No; I am asking you the question. I say, you had an opportunity to convince Mr. Clark that he was wrong.

Mr. ELLIOTT. Why should I convince Mr. Clark that he was wrong?

Mr. MCGUIRE. Well, if you were right and he was wrong about this very important question, which goes absolutely to the correct counting of the female producing seals on the island—I say, if you were right and he was wrong, do you not think it was a material matter, in the interest of the Government and the control of the seals, counting, etc., that you should convince him about the question in dispute?

Mr. ELLIOTT. Not at all, sir. I was to make my report to this committee and not to him. I was not sent up there to convince him.

Mr. MCGUIRE. You were on friendly terms with Mr. Clark and his party?

Mr. ELLIOTT. Certainly; but still I had my own rights.

Mr. MCGUIRE. And you and Mr. Clark were together in taking the measurements of the skins?

Mr. ELLIOTT. We were not together at all, sir.

Mr. MCGUIRE. Was he not there at the time you took the measurements of the skins?

Mr. ELLIOTT. Yes; and so were the natives, and all the other people.



Mr. McGUIRE. Did you not make computations in the same place and at the same time when you were taking the measurements?

Mr. ELLIOTT. But not under any agreement with him. I never consulted him, never noticed him. Why should I? I was the agent of this committee.

Mr. McGUIRE. Did you speak to him?

Mr. ELLIOTT. Yes; but unofficially.

Mr. McGUIRE. Did you talk to him?

Mr. ELLIOTT. Yes; but unofficially; personally, yes.

Mr. McGUIRE. As the agent of this committee, did you not feel it was your duty, as nearly as possible, to cooperate with the agents of the Government?

Mr. ELLIOTT. I was not sent up there to cooperate with any of them; I was sent up there to get certain facts. I was sent up to get certain facts without the slightest reference to anybody on the islands, the lessees' agents, employees of the Government, the natives, or anybody else. I was sent up there to use my judgment, as a "duly qualified expert," as to the condition of affairs as I should see them, and bring those facts down to this committee. And then, if there was any argument or convincing of these men who disagreed with me on the islands, or anywhere else, it was to be settled here. I was not to get into an argument with these men who had less experience and less knowledge than I had.

Mr. McGUIRE. I did not ask you whether you were to get into an argument with them. I asked you whether you understood you were to cooperate with them?

Mr. ELLIOTT. Not at all.

Mr. McGUIRE. With the agents of the Government?

Mr. ELLIOTT. Not at all.

Mr. McGUIRE. Did you have any instructions from this committee not to cooperate?

Mr. ELLIOTT. Or to cooperate with them? They were not noticed.

Mr. McGUIRE. And you regard the committee as a branch of the Government?

Mr. ELLIOTT. Certainly I do, and the first branch.

Mr. McGUIRE. And you regard the executive department of the Government as being directly in control of the islands?

Mr. ELLIOTT. Yes, sir; but subordinate to the legislative branch.

Mr. McGUIRE. It is your position, then, that the executive is subordinate to the legislative?

Mr. ELLIOTT. Certainly, in this case, most decidedly; there is no argument about it, in my mind.

The CHAIRMAN. Let me make a statement there. I think I stated it once before, but I think it is only fair to do it again. The committee passed resolutions instructing these men to go up and make an investigation. I asked the Secretary of Commerce to give them authority to go on the islands. While they were on the islands they wired me and said that a Mr. Chamberlin and a Mr. Clark had come upon the islands and whether they should cooperate with these men. I wired that they should not, that they should follow the instructions of the committee. At that time the chairman of this committee did not know that Mr. Clark had been sent up there, or Mr. Chamberlin, by the department. So it was really my doings more than anybody else's. I did not know what these men were doing there.

Mr. ELLIOTT. I want to say right here that I regard this committee and its authority in this business paramount; I was its agent, and I followed the instructions of the committee.

The CHAIRMAN. I did not know that these men had been instructed by anybody to go on the islands.

Mr. McGUIRE. I am not complaining; I just want to find out the facts?

The CHAIRMAN. I want to clear it up because that is the way it happened.

Mr. ELLIOTT. I want to say, in order to save Mr. McGuire a great deal of trouble, that no man living has had the experience I have had; no man living has the perspective of that life that I have. Therefore why should I go up and meet any people having lesser knowledge and understanding and argue this question with them? I was not sent up by the committee to argue with anybody. I was sent up by the committee to get the facts bearing on some points which are mentioned in the letters of instructions, and I got them and brought them to the committee. The committee can now take it up with the men who disagree with me, and argue it with them, just as they are doing now under oath.

Mr. McGUIRE. Now, Mr. Elliott, do you know the exact number of months you have been on the islands when the seals were there?

Mr. ELLIOTT. I have been there six seasons when the seals were there.

Mr. McGUIRE. I say, do you know the exact number of months and days you were there while the seals were there?

Mr. ELLIOTT. It does not make much difference, but it was during the six breeding seasons when the seals were there. I have had more experience as a trained observer on the islands than any other man. Such men, like Mr. Lembkey, are not recognized as trained observers, and never will be from the records they have made.

Mr. McGUIRE. And who else?

Mr. ELLIOTT. Oh, Mr. Lembkey and a number of other agents of the Government like him have been there, years and years. I have been there altogether about two years, or 24 months and some odd days, counting all my time.

Mr. McGUIRE. I am asking you——

Mr. ELLIOTT (interposing). I have had six seasons' experience on the breeding grounds.

Mr. McGUIRE. I am asking you the number of days you have been there during the actual breeding season and killing season?

Mr. ELLIOTT. There are only about 30 days of the active breeding season, and for six seasons that would be 180 days. I was there during every one of those seasons.

Mr. McGUIRE. Now, then, you do not seem to hesitate to make the statement that you are the best posted of any man with respect to seals.

Mr. ELLIOTT. Why should I?

Mr. McGUIRE. And the habits and customs of the seals on the islands.

Mr. ELLIOTT. Why should I? Have I not published my authority ever since 1874? Who else has given that authority earlier than I?

Mr. McGUIRE. You do that in face of the fact that a number of men have been there, employed by the Government of the United States, year in and year out studying and experimenting with those seals?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. The length of time that Mr. Lembkey and others have been on the island in active Government work is far in excess of the time that you have spent there?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. That is true of Mr. Lembkey?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. It is true of Mr. Clark?

Mr. ELLIOTT. No.

Mr. McGUIRE. It is not?

Mr. ELLIOTT. No.

Mr. McGUIRE. It is true of Mr. Chamberlain?

Mr. ELLIOTT. No; he has not been there on his feet but a few days and then he was flat on his back from illness.

Mr. McGUIRE. It is true of a number of representatives of the Government that they have been there, and that their experiments have been, so far as length of time is concerned, far superior in opportunity to yours?

Mr. ELLIOTT. I do not acknowledge that at all.

Mr. McGUIRE. Well, they were there longer than you?

Mr. ELLIOTT. That does not make any difference.

Mr. McGUIRE. They were there engaged in the seal business?

Mr. ELLIOTT. But they never published results from original work like mine. Look at my monograph published before they were born, some of them. And at that time, 1872-1874, there were millions of seals there; that gives me a sense of proportion in the premises which none of them possess.

Mr. McGUIRE. Now then these gentlemen were there, some of them, and they asked you—that is, they were there in 1913, and they requested you to go with them and count the pups.

Mr. ELLIOTT. Yes.

Mr. McGUIRE. You refused to go?

Mr. ELLIOTT. Certainly I did, and for good and sufficient reasons.

Mr. McGUIRE. You left the day before the pup-counting began?

Mr. ELLIOTT. I did; there was no pup counting when I went away. If I had known of it, I would have made an effort to have gotten instructions from Washington to have it stopped.

Mr. McGUIRE. You made no count of the pups whatever?

Mr. ELLIOTT. No; because it was futile.

Mr. McGUIRE. You paid absolutely no attention to them?

Mr. ELLIOTT. Certainly not, and I declared to them that it was futile and injurious to the herd.

Mr. McGUIRE. And in that particular you differ from the representatives of the Government who were there in 1913—do you or do you not?

Mr. ELLIOTT. I differ from them; of course I do. I am very glad I do, because it is sensible. It is lucky for me that I am sensible enough to differ with them for my credit and reputation. I should hate to be in the same boat with them.

Mr. McGUIRE. You are quite sure they have no opinions along that line themselves?

Mr. ELLIOTT. It is of no consequence to me whatever. I am only answering your questions.

Mr. McGUIRE. Now then, did you make a map or chart of the rookeries?

Mr. ELLIOTT. Yes; certainly I did. I made them first in 1872, and 1873, and 1874, and then again in 1890. There was no chart or survey whatever of the Priblof Islands until my work of 1872-1874 was done.

Mr. McGUIRE. Did you locate any monuments on the rookeries by which others who followed your work could check it?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. You located monuments on the rookeries?

Mr. ELLIOTT. I took the natural monuments, the natural lay of the rocks and the natural lay of the shore.

Mr. McGUIRE. I am asking you whether you located any monuments in making your measurements?

Mr. ELLIOTT. Why should I when there were natural monuments?

Mr. McGUIRE. I mean, in taking your measurements and adopting a line, did you locate any monuments of the rookeries that could be checked by others who might follow you?

Mr. ELLIOTT. I did that in 1872 and 1874; and these maps, or my original surveys, are now in the State Department, purchased from me by John Hay in 1904. There are up there to-day.

Mr. McGUIRE. What kind of monuments did you locate?

Mr. ELLIOTT. They are detailed topographic monuments, with all the stations and measured base lines.

Mr. McGUIRE. Well, what kind of monuments did you erect there on the ground to indicate your measurements and surveys?

Mr. ELLIOTT. I have repeatedly told you that I took the same natural monuments which exist to-day as they did then.

The CHAIRMAN. Are they noted on that map?

Mr. ELLIOTT. Yes; and here they are, in smaller detail. I have been trying to put it in your hand.

Mr. McGUIRE. You do not either understand my question or you do not seem to want to answer it, or something. Now then, let us see. Did you erect any physical monuments?

Mr. ELLIOTT. No, sir. Why should I, when the natural ones stood there?

Mr. McGUIRE. That is what I want you to say.

Mr. ELLIOTT. When a topographer or surveyor finds a natural monument, he holds to that.

Mr. McGUIRE. Yes; but he marks it?

Mr. ELLIOTT. Yes; on his chart; he marks it on his chart, and there it is to be found; it endures, and it is the only one that does endure.

The CHAIRMAN. And is that the way you did it?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. I am asking you whether you marked those natural monuments?

Mr. ELLIOTT. Yes; they are marked on the charts.

Mr. McGUIRE. Is that the only place they are marked?

Mr. ELLIOTT. The only place.

Mr. McGUIRE. You did not mark the monuments themselves?

Mr. ELLIOTT. I did not have to; they stood there, and they stand there to-day. You take my chart and you find them to-day there just as I found them there in 1872-1874.

Mr. McGUIRE. Now, do you say that a surveyor in the field, if he finds a natural monument does not designate that monument and mark it except on his map?

Mr. ELLIOTT. He may put a temporary mark on it at the time when he is plotting the field.

Mr. McGUIRE. What is the purpose of putting on that temporary mark?

Mr. ELLIOTT. For the purpose of making a base-line measurement to it or from it. I put temporary marks there; I used kegs, flags, and such things as that when making my original survey.

Mr. McGUIRE. But there was absolutely nothing in 1913 by which anyone could follow you and—

Mr. ELLIOTT (interposing). Yes, sir; those monuments are there to-day.

Mr. McGUIRE. You put flags there in 1872, you say?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And put what you say were temporary marks?

Mr. ELLIOTT. Not a permanent mark, but a temporary mark on the permanent monuments; and they are there to-day.

Mr. McGUIRE. You did that for the purpose of designating those natural monuments?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Now, those flags were only temporary, and if they have disappeared nobody could follow and check those marked monuments?

Mr. ELLIOTT. I beg your pardon; you do not understand topography.

Mr. McGUIRE. I guess I do.

Mr. ELLIOTT. Well, I do not think you do if you make that statement.

Mr. McGUIRE. What did you put those flags there for?

Mr. ELLIOTT. For the purpose of getting cross bearings on that particular place, at the hour of taking my angles in the field.

Mr. McGUIRE. That is right. Now, when the flags were removed, either by one cause or another, what were the designations on the monuments themselves, whereby—

Mr. ELLIOTT (interposing). Those cross bearings and that particular location in my field notes, would be found on the chart; and you can go there years after and check it up again.

Mr. McGUIRE. Well, the cross bearings—

Mr. ELLIOTT (interposing). The cross bearings locate that particular place.

Mr. McGUIRE. But only on your chart?

Mr. ELLIOTT. They are on the chart to-day.

Mr. McGUIRE. Is it not a fact that there is absolutely nothing to-day on those rookeries to indicate that you have established a monument of any kind at any time?

Mr. ELLIOTT. Why, I have repeatedly said those "natural monuments," which I located in 1872-1874, 1890, by my base lines, are all there to-day. My charts declare the fact.

Mr. McGUIRE. But at that time you designated those natural monuments in a temporary way by flags?

Mr. ELLIOTT. Not a "temporary way" at all; it was a "temporary way" for getting the location of those natural monuments during the hour of survey by cross bearings on the given point, as to distances from a given point of departure in turn upon which the whole survey is based; therefore, they are permanently located on the map, as being so far from, and so bearing, from that base.

The CHAIRMAN. This was done for the purpose of making that map?

Mr. ELLIOTT. Yes, sir; getting the exact dimensions of the shore line and superficial area of the ground covered by the breeding seals.

Mr. McGUIRE. There is absolutely nothing to indicate the monuments there now?

Mr. ELLIOTT. Why should there be?

Mr. McGUIRE. I am asking you whether there is?

Mr. ELLIOTT. No; but the natural monuments are there.

Mr. McGUIRE. That is what I wanted to bring out.

Mr. ELLIOTT. Everything is there as I left it; just as I left it in 1872; everything.

The CHAIRMAN. Is a copy of that map on the island?

Mr. ELLIOTT. Yes; I left copies when I was there in 1872 and 1874, and again in 1890, and they were published in 1896 by order of the House. (See H. Doc. 175, 54th Cong., 1st sess.)

The CHAIRMAN. And copies are on the islands?

Mr. ELLIOTT. Yes, sir; they were all up there. They all had these documents. And any living man could go over our surveys of last summer and pick up our lines. I was pretty well trained in topography. I had three summers' work and experience with the United States Geological Survey, and helped one of the best topographers in the world with his field work in 1869, 1870, 1871.

Mr. McGUIRE. Did you ever at any time make any count of pups?

Mr. ELLIOTT. Yes; I tried to make a "count" of pups in 1872; and it was a dismal failure.

Mr. McGUIRE. That was the count you referred to in your direct testimony?

Mr. ELLIOTT. Yes; very briefly. The details of it would fill a book.

Mr. McGUIRE. When all the agents of the Government report counts in 1901, 1912, and 1913, and report them all successful, you are still not convinced that pup counting is possible?

Mr. ELLIOTT. The agents do not report them all successful; they report them as failures. I have made copies of their reports and have made citations from their reports to the committee.

Mr. McGUIRE. What are those statements and who are the agents that made them?

Mr. ELLIOTT. Here they are. I thought it was of no use to bring in my experience, but I would bring in the records of the official associates of Mr. Geo. A. Clark and Mr. Lembkey. On page 138, Exhibit G, hearing No. 1, 1914, to wit:

Copies of official entries in the journal of the United States Treasury agents' office, St. George Island, showing the impossibility and the futility of getting an accurate count of all the live pups on a fur-seal rookery.

Mr. McGUIRE. Who made that statement?

Mr. ELLIOTT. What is the difference who made it?

Mr. McGUIRE. Who made that statement?

Mr. ELLIOTT. I can not recognize the officials themselves, but I copied these from official entries.

Mr. McGUIRE. You do not know where it came from?

Mr. ELLIOTT. From the official journals of the agents in charge of the islands.

Mr. McGUIRE. You do not know who made the statements?

Mr. ELLIOTT. What is the difference? Here is an official entry in the journal.

Mr. McGUIRE. Do you know who made that statement?

Mr. ELLIOTT. No, and I do not care. I do not need to know.

Mr. McGUIRE. Is there any other statement of any other person?

Mr. ELLIOTT. They run all along there.

Mr. McGUIRE. Do you know who makes those statements?

Mr. ELLIOTT. A half dozen men, all sworn officials, during all these years; one man's name appears in one place and another man's name in another place.

Mr. McGUIRE. Name one.

Mr. ELLIOTT. Here it is, 1901, 1902, 1904, 1909, and one of the Treasury agents, named Adams somewhere, said it was a shame to continue this counting, that it was a waste of time, and an impossibility to get an accurate count.

Mr. McGUIRE. You say a man by the name of Adams?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Who was he?

Mr. ELLIOTT. Assistant agent in charge of the islands.

Mr. McGUIRE. How long was he there?

Mr. ELLIOTT. I do not know.

Mr. McGUIRE. Do you know when he was there?

Mr. ELLIOTT. Oh, yes; I have cited him. I have a citation of his right here.

Mr. McGUIRE. Do you know when he was there?

Mr. ELLIOTT. Yes. I have a citation here.

Mr. McGUIRE. I am asking you when.

Mr. ELLIOTT. Wait a minute and I will get it. He says this thing should be stopped (p. 44, hearing No. 1, 1914):

Under date of Sunday, September 29, 1895, as to the effect of surf nip on pups, occurs the following: Special Agent Adams, in company with Dr. Voss and Appolon Bordofsky, made a count of dead pups on Lagoon Reef rookery. Only one dead pup was found adjacent to the water's edge owing to the recent southwest gales, during which the surf washed over the lower breeding grounds. The count was as follows: Dead pups, 300; pups in dying condition, 40. On page 410, under date of Monday, November 11, 1895, Special Agent Adams declares that this rustling among the pups, cows, and bulls to count the dead pups is detrimental in the following language: Examinations of the reef, Lukannon Polovina, Ketavie, and Tolstoi, demonstrate the fact that the seals are mixed up, pups and cows being together and hauled well back from the water, a condition which I am informed has never existed before to such an extent. It has, therefore, been impossible to make drives from the above-named rookeries. A certain drive was ordered from Middle Hill. The seals seemed restless, a condition noticeable ever since my return to the island September 13. Whether this is due to constant disturbance during the summer and breeding season, they being constantly subjected to scientific investigation, can not say positively, but am of that opinion. The counting of pups on the rookeries necessitates the driving off of all seals and is detrimental. It should be stopped.



Mr. McGUIRE. What date is that?

Mr. ELLIOTT. 1895.

Mr. McGUIRE. What time in 1895?

Mr. ELLIOTT. I have read the whole detail of it.

Mr. McGUIRE. I do not think you gave the date.

Mr. ELLIOTT. "Monday, November 11, 1895," and the other date was "September 29, 1895."

Mr. McGUIRE. Now, Mr. Elliott, the facts are, are they not, that there are seasons of the year when the pups are very young, when there are large numbers of them that are very young?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And that counting would be impracticable, but late in the season the pups become strong?

Mr. ELLIOTT. How late in the season do you mean?

Mr. McGUIRE. I mean before they leave the islands.

Mr. ELLIOTT. Yes; but they are counted before they are strong. They are counted when they are less than 2 months old; some when only 10 days old. Some of them are counted when they are 1 day old, and some are being born while they are counting! (i. e., between August 1-8, annually).

Mr. McGUIRE. Some few, perhaps; but Mr. Clark waited until the pups were strong. Now, then——

Mr. ELLIOTT (interposing). I deny that.

Mr. McGUIRE. After the pups have become strong and able to travel—and I believe you testified they were very active?

Mr. ELLIOTT. When they are a year old. You mixed me up. You did not follow me.

Mr. McGUIRE. When the pups are a year old?

Mr. ELLIOTT. When they come back as yearlings they are then the most active, lithe, and sinewy of the animals.

Mr. McGUIRE. I may be mistaken in my observation that you stated the pups before they left the islands were very strong and active and could go anywhere?

Mr. ELLIOTT. I never made any such statement.

Mr. McGUIRE. I may be wrong.

Mr. ELLIOTT. They are logy in November before they leave, heavy, and clumsy. They are mostly fat—balls of fat, clumsy, and logy then.

Mr. McGUIRE. Now, then, with respect to these meetings that you had with the natives for the purpose of taking their testimony.

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Who was with you when you took their testimony?

Mr. ELLIOTT. Mr. Gallagher. He was the only white man.

Mr. McGUIRE. What authority did he have?

Mr. ELLIOTT. He was my assistant, by order of this committee.

Mr. McGUIRE. Did he have any authority except what you gave him on the islands?

Mr. ELLIOTT. He had authority from the chairman of this committee. I never gave him any.

The CHAIRMAN. The resolution appears in the record.

Mr. ELLIOTT. I did not even know him until I met him in Seattle.

Mr. McGUIRE. He was a stenographer?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And took notes as you gave them to him?

Mr. ELLIOTT. That was the important and great value of his services.

Mr. McGUIRE. That was the extent of his services?

Mr. ELLIOTT. Yes; and as a witness to other things, and he assisted me in counting and census estimates. I had great regard for him, because I found him an extremely careful man.

Mr. McGUIRE. Now, then, who was your interpreter when you had those meetings with the natives?

Mr. ELLIOTT. His name was George Kochergin. He had been educated in San Francisco, and he spoke English fairly well.

Mr. McGUIRE. He was not an expert in the English language?

Mr. ELLIOTT. Oh, no; none of them are. I would not trust one of them in the English language.

Mr. McGUIRE. He was the best you could get under the circumstances?

Mr. ELLIOTT. He was the best they have on the islands.

Mr. McGUIRE. I say, he was the best you could get?

Mr. ELLIOTT. Yes; I believe he could understand what we wanted him to ask; at least, we took great pains with him.

Mr. McGUIRE. You say there were none on the islands whom you would trust so far as English is concerned?

Mr. ELLIOTT. If I were to go out on the street corner and talk with them about the time of day, and such things, I guess they, perhaps, could understand, that is, some of them; but I would not trust a man there, as a native, in any sustained conversation, or in any direct questioning.

Mr. McGUIRE. Were you not able to secure some person who was proficient in the English language and proficient in the native language to assist you in taking that evidence?

Mr. ELLIOTT. There is no such white man on the islands.

Mr. McGUIRE. You state that as a fact?

Mr. ELLIOTT. Yes. I have got a better understanding of the native language than any white man who was on the islands that summer, and I would not trust myself.

Mr. McGUIRE. You would not trust yourself in their language?

Mr. ELLIOTT. No, sir.

Mr. McGUIRE. As long as you were there?

Mr. ELLIOTT. No, sir. The Aleut language is the only one you can trust them in; and I do not know anything about it. Their language is the Aleut language.

Mr. McGUIRE. Do you make the statement now, for this record, that you have a better understanding of the English language and their language than anyone to be found on the islands?

Mr. ELLIOTT. I do.

The CHAIRMAN. You mean a better understanding of the English language than of the Aleut language?

Mr. ELLIOTT. I am not speaking of the Aleut language at all, but of their patois. Because of my communication with them, and because I can speak the Russian language and their patois, I could get closer to them than any man on the islands.

Mr. McGUIRE. You do not mean you could understand the English language better than the other people?

Mr. ELLIOTT. That is not the thing at all. I am speaking about communicating with these people because I understand English as well as anybody, plus a knowledge of the Russian language. No man on the islands could talk Russian to these people when I was there.

Mr. McGUIRE. That is what I was talking about.

Mr. ELLIOTT. But I could——

Mr. McGUIRE (interposing). Taking it upon the whole, the two languages together, you had a better ability for translating one to the other?

Mr. ELLIOTT. As far as the English and Russian went, but the Aleut, no; I had no ability at all as far as the Aleut language is concerned.

Mr. McGUIRE. What language do they talk on the islands?

Mr. ELLIOTT. Aleut.

Mr. McGUIRE. And you have no understanding of that?

Mr. ELLIOTT. Not a word. I know but two words. I do not know any more about it than you do; I am just as ignorant as you are.

Mr. McGUIRE. And they do not generally understand English?

Mr. ELLIOTT. Well, I would not trust them. They look wise, smile, and agree with you; but that is not satisfactory to me.

Mr. McGUIRE. Do you mean to state that you could not get a proficient interpreter on the islands?

Mr. ELLIOTT. I considered George Kochergin a proficient interpreter.

The CHAIRMAN. Is that the man you had?

Mr. ELLIOTT. Yes, sir; I regard him as thoroughly well posted in the business. I regarded him as having put these questions to them in their own language, received replies in their own language, and interpreted them to us in turn in English. I considered it as being thoroughly done, and well done.

Mr. McGUIRE. I understood you to say a while ago you could not find a competent person.

Mr. ELLIOTT. I understood you to ask me about a "white" person, and I said there was not a white person who could beat me in meeting the natives on the islands.

Mr. McGUIRE. You said this man taked English fairly well?

Mr. ELLIOTT. He ought to; he was in San Francisco four or five years and was educated there. He read English; he read our typed questions to them, from our English copy, and then translated the replies to us, and Mr. Gallagher took them down, the exact idioms and words. He has got his notes.

Mr. McGUIRE. And when that was done the Government agents were on the islands?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. They were not with you?

Mr. ELLIOTT. No; I did not want them with me. I had good reasons for not wanting them.

Mr. McGUIRE. You did not want them with you?

Mr. ELLIOTT. I did not want them with me, and you can easily understand why I did not. It was not proper that they should be with me. Do you want me to state why I did not want anybody with me?

The CHAIRMAN. I think you might as well since you have volunteered to do it.

Mr. ELLIOTT. Because I wanted the natives to speak without the slightest pressure or influence or bias. I wanted them to speak their minds without the slightest pressure, influence, or bias to us. I have lived with them on the islands long enough to know what kinds of pressure has been brought to bear on the natives by both lessees and Government agents.

Mr. McGUIRE. You do not mean to say you have used pressure on the natives?

Mr. ELLIOTT. No; but I have seen pressure used; that is what I mean. I have seen them suborned, bribed, and browbeaten.

Mr. McGUIRE. And in view of that knowledge——

Mr. ELLIOTT (interposing). I wanted them to be free from any possible influence.

Mr. McGUIRE. You did not want anybody present?

Mr. ELLIOTT. Certainly not; anybody who might have any influence on them. I want to say right here, that they spoke very highly of Mr. Lembkey to us.

Mr. McGUIRE. Do you mean to say that the natives spoke highly of Mr. Lembkey?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. They were satisfied with him?

Mr. ELLIOTT. That is in the report. They found no fault with him. That is what we wanted to get at, a free and unbiased expression.

Mr. McGUIRE. What did they have to say about the other representatives of the Government?

Mr. ELLIOTT. We did not ask them any leading questions.

Mr. McGUIRE. I did not ask that. I asked you what they had to say about the other representatives of the Government.

Mr. ELLIOTT. Well, it is in the report.

Mr. McGUIRE. You did not ask them leading questions about Mr. Lembkey, did you?

Mr. ELLIOTT. No; they volunteered that.

Mr. McGUIRE. In your manner of questioning those people were your questions designed to suggest the answers?

Mr. ELLIOTT. We tried to avoid that. We worked a whole day over those questions so that we would not put leading questions. They were not leading questions at all.

Mr. McGUIRE. That is what I am asking you, whether your questions were designed to get the answers you wanted?

Mr. ELLIOTT. There was no design about any of the questions. We worked hard over those questions in order to have them free from any suggestion of being leading questions, and then when they answered them we never went any further to have them qualify their answers, or to draw them out, or to get them to explain, because that would involve leading questions.

Mr. McGUIRE. I see. When they made an answer——

Mr. ELLIOTT (interposing). We stopped right there.

The CHAIRMAN. The fact is that personally I told Mr. Elliott and Mr. Gallagher to be sure not to lead anybody into saying a thing to them that was not true, that is, when they were among those unfortunate people.

Mr. McGUIRE. I know; but they seem to have spoken highly of Mr. Lembkey, and with that knowledge of Mr. Lembkey I wondered

whether he thought that Mr. Lembkey would exercise any pressure on them?

Mr. ELLIOTT. No; I did not know he would, or had; and I did not want to raise that question with them.

Mr. McGUIRE. I understand.

Mr. ELLIOTT. And that is the reason I did not want him there. And unless they suggested something of that sort I was not going to suggest it to them.

Mr. McGUIRE. Had you ever seen this interpreter before?

Mr. ELLIOTT. I can not say that I ever had. I can not remember him. When I was there in 1890 he must have been a child, a baby. At least, I do not remember him.

Mr. McGUIRE. Was he the only native interpreter that you could find on the islands?

Mr. ELLIOTT. Well, we asked the natives, and they all agreed that he was the best one. That is all I know.

Mr. McGUIRE. That was the nature of his recommendations?

Mr. ELLIOTT. The universal recommendation among the natives and, I might say, also the recommendation of the priest himself.

Mr. McGUIRE. Did you pay him for his services?

Mr. ELLIOTT. We never made any agreement with him; but we gave him \$5, and I will tell you the circumstances under which we gave him the \$5. They had to heat up their hall, put coal into their stove, and we thought we would pay them that much for their trouble.

Mr. McGUIRE. Now, then, Mr. Elliott, while you were there you weighed 400 skins; is that right?

Mr. ELLIOTT. In salt; yes.

Mr. McGUIRE. What was your purpose in taking those weights?

Mr. ELLIOTT. My purpose in taking those weights was to establish a fact which I had asserted under oath here, that when green skins went into the salt house and were cured and packed for shipment they weighed more than when green—that is, that when they left the islands in salt and were cured they weighed more than when they went in green and uncured. That was my purpose on the surface. I had other purposes below which I did not allow anybody to know about, and it was well I did not.

Mr. McGUIRE. Do you want the committee to know about it?

Mr. ELLIOTT. The committee does understand it; it is in my report; but it was not stated up on the islands.

Mr. McGUIRE. Now, let us get your purpose. You wanted to show that a salted skin, after it had been salted and was all prepared for shipment—

Mr. ELLIOTT (interposing). And shipped?

Mr. McGUIRE. And shipped, was lighter——

Mr. ELLIOTT (interposing). Heavier.

Mr. McGUIRE. Oh; was heavier than it was?

Mr. ELLIOTT. Than when green.

Mr. McGUIRE. When it was green?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. What did you want to know that for?

Mr. ELLIOTT. Because it was denied here under oath by witnesses from the Bureau of Fisheries. I wanted to prove the truth and that they had made a false statement to the committee, and I have.

Mr. McGUIRE. Are you properly quoting the witnesses for the Government?

Mr. ELLIOTT. I am.

Mr. McGUIRE. I will ask you whether this was not their testimony: That a salted skin was lighter, after it had been salted and remained salted for some time——

Mr. ELLIOTT (interposing). Four or five days?

Mr. McGUIRE. And the salt then extracted from the skin than when it was taken from the seal.

Mr. ELLIOTT. That was an afterthought of theirs. I deny——

Mr. McGUIRE (interposing). Wait now. You say that was an afterthought?

Mr. ELLIOTT. That was an afterthought.

Mr. McGUIRE. Was that the testimony of the departmental officials?

Mr. ELLIOTT. I never disputed that; but that is not what——

Mr. McGUIRE (interposing). You never disputed that? Now, let us get your position; let us get that clear: That a skin after having been taken from the seal and salted, shipped, and then the salt extracted——

Mr. ELLIOTT (interposing). No; I deny——

Mr. McGUIRE (interposing). Wait; I am asking you a question. Then the salt extracted, and then that that skin is lighter than it was when taken from the seal?

Mr. ELLIOTT. No; you have not stated my case at all.

Mr. McGUIRE. I am asking you a question.

Mr. ELLIOTT. You have not stated my position.

Mr. McGUIRE. I will ask you again. After a skin has been salted, when taken from a seal, and remained in salt, we will say, a definite length of time, say, four weeks——

Mr. ELLIOTT (interposing). No matter how long, until it is shipped.

Mr. McGUIRE. Then the salt extracted from the skin, the skin taken out and the salt shaken off of it, is that skin then lighter or heavier——

Mr. ELLIOTT (interposing). I have never taken any such position.

Mr. McGUIRE. Than when taken from the salt?

Mr. ELLIOTT. That is a proposition that I know nothing about.

Mr. McGUIRE. You have never made any experiments with respect to that matter?

Mr. ELLIOTT. Yes; I weighed bundles in 1874, and I knew they were heavier.

Mr. McGUIRE. You have not any opinion as to whether a skin when salted, which has remained in salt for some time and then the salt extracted, is lighter or heavier than when taken from the salt?

Mr. ELLIOTT. Oh, yes; I have had a very good opinion about that.

Mr. McGUIRE. What is that opinion?

Mr. ELLIOTT. It would be lighter, of course; but that is not what I contend about.

Mr. McGUIRE. Well, that is what I wanted to know about.

Mr. ELLIOTT. Of course, that stands to reason.

Mr. McGUIRE. Has anybody testified before this committee, who represented the Government, that a sealskin was lighter with the salt on than it was when taken from the salt?

Mr. ELLIOTT. They have testified here that the seals were lighter when they got to London in the salt than they were when they left

the island when they went in green; that was the original testimony, and I disputed it. Now, you have got me right. They testified——

Mr. McGUIRE (interposing). Your statement now is, as I understand it, that the agents of the Government testified that the skin was lighter after it had been salted?

Mr. ELLIOTT. And shipped.

Mr. McGUIRE. And shipped?

Mr. ELLIOTT. When it got to London.

Mr. McGUIRE. Lighter than when it was taken from the salt?

Mr. ELLIOTT. Yes; and I disputed it.

Mr. McGUIRE. Did you understand from that testimony that they meant it was lighter with salt on it?

Mr. ELLIOTT. What else could they mean?

Mr. McGUIRE. I am asking you what your understanding was.

Mr. ELLIOTT. Why, of course; that was the whole core of the thing.

Mr. McGUIRE. Do you undertake to say that any Government witness who testified here has intended to convey the idea to the committee that a sealskin was lighter with the salt on—that is, the salt required for shipment—after it had reached London than it was when first taken from the salt?

Mr. ELLIOTT. That is the testimony; it speaks for itself.

Mr. McGUIRE. I am asking you about it.

Mr. ELLIOTT. Yes; they made that statement at first.

The CHAIRMAN. Let us see where it is, if we can find it.

Mr. ELLIOTT. It can be looked up.

Mr. McGUIRE. You may look it up later, and we can go on. Your position is that the witnesses for the Government undertook to convey that idea to the committee?

Mr. ELLIOTT. Without doubt.

The CHAIRMAN. Whom do you mean by the witnesses for the Government?

Mr. McGUIRE. Those who have testified here before the committee.

The CHAIRMAN. You mean Mr. Clark?

Mr. ELLIOTT. Dr. Evermann in chief.

Mr. McGUIRE. Dr. Evermann you understood to offer that kind of evidence?

Mr. ELLIOTT. In chief; but he is not the only one.

Mr. McGUIRE. I am asking you about him specifically now.

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Who else?

Mr. ELLIOTT. Well, I do not know.

Mr. McGUIRE. How about Mr. Lembkey?

Mr. ELLIOTT. I do not think we got Mr. Lembkey caught on that.

Mr. McGUIRE. You do not think you got him caught on that?

Mr. ELLIOTT. No; I do not think he is.

Mr. McGUIRE. You were out to catch somebody?

Mr. ELLIOTT. No, sir; they are catching themselves. Mr. Lembkey declared that he had weighed certain skins, and then he declared he had not. Dr. Evermann declared he had weighed certain skins, and we have never had any denial of his assertion. Then we have got Dr. Evermann's assertion that they went to work and swept all the salt off of the skins and found them lighter, which is the condition I have met and have denied as being the salt weights when leaving the islands.



The CHAIRMAN. I would suggest that if this is to be gone over later that we had better refresh your recollection.

Mr. ELLIOTT. Mine is perfectly clear.

Mr. McGUIRE. I was going to look up the testimony and recur to it a little later.

Mr. ELLIOTT. That is the reason I made that experiment of weighing those skins on the islands.

Mr. McGUIRE. You took the measurements of the skins?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. At the same time you weighed those skins on the islands?

Mr. ELLIOTT. Yes. Just before we weighed them a measurement was taken of the two skins, and then we weighed them immediately afterwards.

Mr. McGUIRE. What measurement did you take?

Mr. ELLIOTT. Just length, the orthodox length.

Mr. McGUIRE. No breadth measure was taken?

Mr. ELLIOTT. It is not necessary and would be a waste of time.

Mr. McGUIRE. I asked you if it was done.

Mr. ELLIOTT. No; because it was not necessary and was a waste of time; no one suggested it, even, at the time.

Mr. McGUIRE. Can you tell the size and area of a sealskin by taking the length alone?

Mr. ELLIOTT. Tell the size?

Mr. McGUIRE. You can tell the size and area and all by taking the length measurement?

Mr. ELLIOTT. The area is something that amounts to little or nothing definite without the length. You get the size by the length, and the area then is indicated at once by this length of a properly salted sealskin.

Mr. McGUIRE. The weight is dependent upon two things?

Mr. ELLIOTT. Yes, sir; I admit that.

Mr. McGUIRE. The size of the skin?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And the amount of blubber left on the skin?

Mr. ELLIOTT. You are entirely right.

Mr. McGUIRE. The size of a skin, you say, can always be determined by the length?

Mr. ELLIOTT. Yes, of a properly salted skin.

Mr. McGUIRE. And that is the extent that you went at that time?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. To determine the size of the skin?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. And when you speak of the measurement of the skins in your testimony you refer only to the measurement of the length?

Mr. ELLIOTT. The size.

Mr. McGUIRE. I say, when you speak of the size of the skins you refer only to the length?

Mr. ELLIOTT. Yes; and that governs the size.

Mr. McGUIRE. And that was the only measurement you took?

Mr. ELLIOTT. Yes; that was the only one because it governed the size absolutely in the London classifications. I will explain something right here so that you can understand it. In the London

classifications, for instance, for the "small pups" they allow a sliding scale of 4 inches to cover the size of the "small pups" in length, and they allow a sliding scale of 2 inches for the girth, in taking the measurements.

Mr. McGUIRE. What do you mean by a sliding scale?

Mr. ELLIOTT. From 34 inches down to 30, every skin which measures that in length, goes into the classification of "small pups."

Mr. McGUIRE. Then a small pup skin, according to their measurements in London, might be 4 inches longer than another?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And it also might be 2 inches broader than another?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And then it goes in the small pup classification?

Mr. ELLIOTT. Yes, that is so; it would be a freak skin if it were 2 inches broader again, or say, 4 inches broader than the type.

Mr. McGUIRE. But that would go into the "small pup" classification?

Mr. ELLIOTT. Yes, it would, even then.

Mr. McGUIRE. Then the reverse of that would be true?

Mr. ELLIOTT. No.

Mr. McGUIRE. That a skin 4 inches shorter than another skin and 2 inches narrower than another skin would go into the small pup classification?

Mr. ELLIOTT. Undoubtedly they would put them there.

Mr. McGUIRE. Have you ever taken a skin of that kind and computed the number of square inches of difference in the two skins?

Mr. ELLIOTT. Yes, it is very slight; you do not need to compute it.

Mr. McGUIRE. Have you determined the number of square inches difference in the size of those skins—have you ever done that?

Mr. ELLIOTT. Yes; it does not amount to anything, and that is the reason I did not do it when busy over the 400 skins last summer.

Mr. McGUIRE. Well, suppose that one skin is 38 inches long, and that it is 22 inches in width?

Mr. ELLIOTT. That is a freak.

Mr. McGUIRE. Well, suppose that is true?

Mr. ELLIOTT. Oh, yes; you might stretch something out of size, but the instant it was discovered it would go into the proper classification.

Mr. McGUIRE. If a skin is 38 inches long, how wide would it probably be?

Mr. ELLIOTT. About 26 inches.

Mr. McGUIRE. Well, we will take that, as that is not a freak?

Mr. ELLIOTT. No; but that would be if a skin 30 inches long—I think you said 38 inches?

Mr. McGUIRE. How wide ought that to be?

Mr. ELLIOTT. That ought to be about 26 inches wide or 28 inches wide.

Mr. McGUIRE. Thirty-eight inches long and 28 inches wide?

Mr. ELLIOTT. Yes; 26 to 28 inches, that ought to be its average girth—26 inches.

Mr. McGUIRE. We will take another skin, 34 inches long and 26 inches wide. Would that be in the same classification?

Mr. ELLIOTT. Yes; 34 inches and 26 would go into small pups.

Mr. McGUIRE. And you think there would not be any difference in the square inches of that kind of a skin?

Mr. ELLIOTT. No, not much; I know it; between 34 by 26 length and girth, and 34 by 24 length and girth, there is very little.

Mr. McGUIRE. Mr. Elliott, were those skins in the green, as taken from the salt, measured by twos or individually?

Mr. ELLIOTT. Mr. Lembkey weighed them individually, and we took his individual weights without question; i. e., his "green" weights.

Mr. McGUIRE. He measured them individually?

Mr. ELLIOTT. No; wait a minute. He weighed them together in the salt, but we measured them individually July 29, 1913; he weighed them individually when he killed the seals July 7, 1913.

Mr. McGUIRE. I see. He weighed those skins individually?

Mr. ELLIOTT. Yes; and we took his weights without question—his green weights.

Mr. McGUIRE. You took his green weights?

Mr. ELLIOTT. Without question; yes.

Mr. McGUIRE. When he weighed them green he salted them?

Mr. ELLIOTT. Yes, sir; afterwards.

Mr. McGUIRE. You found them in the salt house?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And you took them out. Did you shake the salt off?

Mr. ELLIOTT. No; the natives handled those skins just as they have always handled them, and had handled them for 20 years.

Mr. McGUIRE. State just how they handled them.

Mr. ELLIOTT. Well, let me give you a description. You want me to start right in, so I will not have to repeat all of this.

Mr. McGUIRE. I want it just as briefly as you can state it, just how you handled them in the salt house.

Mr. ELLIOTT. They just pulled them out of the salt, when we got ready to go to work.

Mr. McGUIRE. Did they raise them up?

Mr. ELLIOTT. Oh, yes.

Mr. McGUIRE. One at a time?

Mr. ELLIOTT. You know they would pull a skin out and throw it in a pile of loose, salted skins like it, at the head of the salter's bench on the salthouse floor, keeping 50 or 60 such skins in that pile all the time we worked.

Mr. McGUIRE. And some of the salt would naturally fall off?

Mr. ELLIOTT. Yes, sir; quite a bit.

Mr. McGUIRE. They laid the larger skins down, did they not?

Mr. ELLIOTT. When we began there, a native stood at the head of the table who would pick one of these skins up and out of the pile; he would first select a large skin; he would lay that upon the table (a bench table about the size of this committee table), flesh side up to us; spread it out for us; Mr. Hatton and I then made the measurement of this skin from head to tail; we call its tagged number out, and its length, and it would be recorded by Mr. Gallagher and Mr. Clark, as well as by Mr. Whitney, who kept the official green weight, or Lembkey tag list, of this lot of 400 skins.

Mr. McGUIRE. And then they threw the salt on?

Mr. ELLIOTT. No. Then that skin, after being measured and the green weights of Mr. Lembkey's tallied with the number on it, was passed by this native who had picked it up to another native; he

put it on a pile of salt in a kench or bin, right beside the table; this salter's bench or table, stood like this [indicating]; we worked here, and that salt kench was right there [indicating]; then, after the green weight had been recorded and this measurement taken, a smaller skin than this one first picked up was picked up in turn by the same native and put on the table in the same way, then measured, and then passed over to the native in the kench, who would pass his hand over the larger skin this way [indicating] and he would then throw a handful or two of salt upon it and then put this smaller skin on top of that larger skin, flesh to flesh, roll the edges up, and "bundle" it. Then that "bundle" was handled in this way: The native who bundled the skin would pass it to Mr. Hatton; Mr. Hatton would put it on the scales, and Mr. Clark and Mr. Gallagher would note the weight, and then simultaneously make the entries; if they disagreed they would cover it in on the list all right before going further.

Mr. McGUIRE. Now, did the same men resalt each of those skins?

Mr. ELLIOTT. No; they changed men. There were 9 or 10 native sealers, and they took turns; so that they worked as they had worked in the salt house for 20 years.

Mr. McGUIRE. Did they have a scoop or anything else that held a uniform amount of salt?

Mr. ELLIOTT. No; they never salt that way.

Mr. McGUIRE. They just promiscuously——

Mr. ELLIOTT (interposing). It is a matter of judgment and experience.

Mr. McGUIRE. I see. They promiscuously took their hands and threw on the salt?

Mr. ELLIOTT. Not so "promiscuously." They do it with judgment. If a skin has "welts" in it that are "raw," or if a skin shows pink "lips," or anything of that kind, they will rub in more salt—use a little more.

Mr. McGUIRE. They use more salt in some cases than in others?

Mr. ELLIOTT. Yes; due entirely to the condition of the skin when they are bundling it.

Mr. McGUIRE. Then they will take two skins from the salt, weigh them, and put on a quantity of salt in preparation for shipment?

Mr. ELLIOTT. And they have always done that for 20 years.

Mr. McGUIRE. And then they take two more, and by reason of the condition of those skins they may require a greater or less quantity of salt?

Mr. ELLIOTT. That runs all through, and it averages up.

Mr. McGUIRE. Is that right?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. So there is more salt used in some cases than in others?

Mr. ELLIOTT. Yes; it varies. So when you get 400 skins you average up pretty well. You get a pretty nice average when you get 400 skins. If you were only taking a half dozen skins, or taking out a few skins, it would be different.

Mr. McGUIRE. You would get an average in 400 skins, but under no circumstances would you get just the same quantity of salt on the various skins?

Mr. ELLIOTT. No.

Mr. McGUIRE. There is a difference of salt on every skin?

Mr. ELLIOTT. Yes; on every skin.

Mr. McGUIRE. When you were salting those 400 skins you were doing it for a specific purpose, to find out the relative weights; that is, the difference in the weights when they were taken out and when they reached their destination?

Mr. ELLIOTT. Yes; when they left the islands.

Mr. McGUIRE. Do you regard that method, the method you used, as a means by which you can accurately tell the difference?

Mr. ELLIOTT. Well, it speaks for itself. Of course, it is accurate.

Mr. McGUIRE. But you state that there is a positive difference in the quantity of salt on each skin?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Now then, do you not think that if you had wanted to get the real difference the better plan for you would have been to have weighed the actual quantity of salt put on those skins?

Mr. ELLIOTT. You could not do it before bundling.

Mr. McGUIRE. Why do you say you can not do it?

Mr. ELLIOTT. You can not do it. You have got to put the two together, and then how could you separately weigh the amount of salt on each skin?

Mr. McGUIRE. I say that is one reason why you can not get it accurately.

Mr. ELLIOTT. But it is accurate when you weigh the two together in the bundle. It shows the weight when they left the islands.

Mr. McGUIRE. If you are going to salt them for shipment——

Mr. ELLIOTT (interposing). You have got to use two.

Mr. McGUIRE (continuing). If you are going to salt them for shipment, the only way for you to tell accurately anything about it would be to weigh the amount of salt put on those skins?

Mr. ELLIOTT. We have weighed it; it is in the bundles and it speaks for itself.

Mr. McGUIRE. You have the weight of the salt?

Mr. ELLIOTT. Yes; in each bundle, and accurately recorded.

The CHAIRMAN. Is not this the fact, that the skins were weighed when green?

Mr. ELLIOTT. Yes.

The CHAIRMAN. And weighed after they were salted?

Mr. ELLIOTT. Yes, sir.

The CHAIRMAN. Would not that show?

Mr. ELLIOTT. That shows the actual difference.

The CHAIRMAN. Would not that determine the weight of the salt?

Mr. ELLIOTT. Yes; and we have got the skins that will speak for themselves.

The CHAIRMAN. You were asked, in the methods you used, whether the salting was not done under your direction, or under the direction of Mr. Lembkey?

Mr. ELLIOTT. No; the natives did it, just as they have done it for 20 years past, without any suggestion or interference by me or Mr. Lembkey.

The CHAIRMAN. I thought Mr. McGuire was under the impression that you did the salting.

Mr. ELLIOTT. He may have been, but Mr. Lembkey had no more to do with it than I had, and I had nothing to do with it. The natives

did it in their own way, without any suggestion whatever from us and as they have always done it for the past 20 years.

Mr. McGUIRE. What I am trying to bring out is that although these skins were salted for a specific purpose, they were salted in the usual way?

Mr. ELLIOTT. In the regular way.

Mr. McGUIRE. But being salted for a specific purpose, the only way to get the accurate weights would have been to determine the salt not that Lembkey put on them, but that they put on them at that time.

The CHAIRMAN. I know; but I do not think it was done for this one specific purpose.

Mr. ELLIOTT. It was done to show the exact amount of salt used in curing when they left the islands.

Mr. McGUIRE. But you did not weigh the salt that you put on them?

Mr. ELLIOTT. Certainly I did; it is weighed in the bundles.

Mr. McGUIRE. At the time you put it on?

Mr. ELLIOTT. Yes, immediately afterwards; they were weighed immediately after the salt was put on.

Mr. McGUIRE. The green weights were taken?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And then Mr. Lembkey had salted them?

Mr. ELLIOTT. No; he did not salt them; the natives salted them for shipment.

Mr. McGUIRE. Well, were they salted at the time the green weights were taken?

Mr. ELLIOTT. Well, I was not there then, July 7, 1913, but the official record says they were, but I know they were taken out of salt, July 29, 1913.

Mr. McGUIRE. They were salted when you took them from the salt?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Somebody had salted them?

Mr. ELLIOTT. Yes, sir. They shook the salt off and put some on. I do not know how much they shook off.

Mr. McGUIRE. Prior to the time of shipment they were salted twice?

Mr. ELLIOTT. No; you do not get that right.

Mr. McGUIRE. Maybe I do not. Did you find them salted?

Mr. ELLIOTT. They were in the salt.

Mr. McGUIRE. Then they had been salted?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. They had been salted—is that true?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Then you had them taken out, and before you shipped them you had them resalted?

Mr. ELLIOTT. They had to be; they always——

Mr. McGUIRE. (interposing). I am asking you if you did?

Mr. ELLIOTT. The natives did.

Mr. McGUIRE. Did you have it done?

Mr. ELLIOTT. Why, certainly.

Mr. McGUIRE. Then from the time they had been taken from the salt had there been salt applied to those skins twice?

Mr. ELLIOTT. They always do.

Mr. McGUIRE. That is what I asked you awhile ago, and you said no.

Mr. ELLIOTT. That is a regular rule; there is no difference.

Mr. McGUIRE. I am asking you whether they were not salted twice?

Mr. ELLIOTT. They always are.

Mr. McGUIRE. I asked you whether you had weighed the quantity of salt you put on them.

Mr. ELLIOTT. That the natives put on?

Mr. McGUIRE. That you had put on?

Mr. ELLIOTT. I did not have it put on.

Mr. McGUIRE. Well, it was done, and did you have that salt weighed?

Mr. ELLIOTT. Certainly; it is in the bundles; it is recorded there, every ounce of it.

Mr. McGUIRE. Did you have the salt weighed, that you put on those skins at that time, separately from the skins?

Mr. ELLIOTT. No; that is nonsensical.

Mr. McGUIRE. You understand my question?

Mr. ELLIOTT. Why, certainly.

Mr. McGUIRE. And you say it was perfectly nonsensical to do it?

Mr. ELLIOTT. Of course it would be nonsensical to attempt such a thing as that.

Mr. McGUIRE. I am simply asking whether you did it?

Mr. ELLIOTT. It was futile, and foolish to attempt such a thing, and a waste of time to arrive at the same end if it had been and could be accurately done.

Mr. McGUIRE. Did the Government ever allow the North American Sealing Co. any rebates on account of the company being prohibited from taking the required number of seals?

Mr. ELLIOTT. Yes; it did; and Secretary Carlisle said it was in violation of the law and ordered it refunded, and they had a big suit.

Mr. McGUIRE. Did you indorse the action of the Government in allowing those rebates?

Mr. ELLIOTT. No; only in regard to the rental; not as to the skins.

Mr. McGUIRE. With respect to the rentals?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Just what did you do?

Mr. ELLIOTT. I said the rental ought to be reduced in proportion to the catch that they took.

Mr. McGUIRE. In what way did you recommend that?

Mr. ELLIOTT. Well, I do not remember exactly. I have an indistinct recollection——

Mr. McGUIRE (interposing). Did you write any letters to Secretary Carlisle?

Mr. ELLIOTT. I do not think I wrote a letter; I think it was oral. I remember making the suggestion, but I think it was to Secretary Windom; I do not think I ever spoke to Secretary Carlisle about it. I never had anything to do with Mr. Carlisle concerning that question. Mr. Windom asked me what he should do with these people. He said, "You see, they will have to pay rent if I take them off the islands." I said, "Why not make a rebate on the rental?" That is the way it came about. I said, "Let them take a few skins if they have to stay there." But I did not want them on the islands at all; I wanted them dropped entirely.



Mr. McGUIRE. You wanted the company removed?

Mr. ELLIOTT. Entirely; and I recommended that in my report.

Mr. McGUIRE. When did you make that recommendation?

Mr. ELLIOTT. I will read it to you. It is in my report of November 17, 1890, which is as follows (House Doc. 175, 54th Cong., 1st sess., pp. 136-138), to wit:

The condition of the Pribilof rookeries to-day is such as to make the following imperative demands upon our Government, if they are to be saved, as they should be, from speedy ruin:

*First.* That no young male seals whatsoever shall be killed on these islands as a source of revenue, either to the public Treasury or to private corporations, for the next seven years, i. e., during the seasons of 1891-1898, inclusive.

This step is imperative: There was scarcely a drop of young male blood in service on the breeding grounds of either St. Paul or St. George throughout the reproductive season of 1890. There are no young bulls left to speak of, on these hauling grounds, above the 1 and 2-year-old grades—very few of the latter, and not many of the former. It will take at least five years of perfect rest for the scanty stock now left of this character in which to mature so as to serve on these breeding grounds; and it will be two years after this new service is first rendered before the appreciable gain can be well seen; and, in this necessary period of five years' growth not more than one-half of these young bulls thus maturing can be estimated as certain to survive the attacks of their natural enemies at sea—sharks, killer whales, etc.

*Second.* That all pelagic sealing in the waters of Bering Sea be prohibited and suppressed throughout the breeding season, no matter how, so that it is done, and done quickly.

This step is equally imperative. The immorality of that demand made by the open-water sealer to ruin within a few short years and destroy forever these fur-bearing interests on the Pribilof Islands—the immorality of this demand can not be glossed over by any sophistry. The idea of permitting such a chase to continue where 5,000 female seals, heavy with their unborn young, or busy with nursing offspring, are killed in order to secure every 1,500 skins taken, is repugnant to the sense of decency and the simplest instincts of true manhood. I can not refrain from expressing my firm belief that if the truth is known, made plain to responsible heads of the civilized powers of the world, that not one of these Governments will hesitate to unite with ours in closing Bering Sea and the Pacific passes of the Aleutian Chain to any and all pelagic fur sealing during the breeding season of that animal.

If these two steps are taken next year, and a perfect rest established throughout the breeding seasons on the islands, and in the waters of Bering Sea, for the next seven years, inclusive, then the restoration of these sadly diminished interests to their good form of 1872-1874 will have been well advanced, if not wholly realized by the expiration of the season of 1898.

Then, with revised and proper regulations for driving and killing, the twentieth century may open with another era of commercial prosperity for these islands, with pleasure and profit for those of us not only at home, but all over the world where fine furs are worn and valued.

In taking these two steps the Government can not divide the responsibility; it must assume the entire order and conduct of affairs on these seal islands of Alaska for the next seven years. The new lessees of 1890 should have a fair rebate. They are not to blame in any sense whatsoever for the present condition of the rookeries and hauling grounds; not at all. They can not be asked to nurse these shriveled rookeries into shape; to feed and clothe the natives, and maintain an establishment on these islands for that purpose during this necessary period of rest; and if they offered to do it, this offer, for obvious reason, should be refused.

The skins of a few thousand yearlings and pups which the natives may safely kill under order of the Secretary of the Treasury every year for food and clothing, just as they killed them in 1834-1843, inclusive, will, when sold by the Secretary of the Treasury, fully meet the cost of caring for these dependent properly, and enable them to live just as comfortably as they have been living. These food skins can be annually brought down to market on the revenue cutters, and these vessels can bring up the supplies of food, fuel, and clothing necessary for the natives after their purchase in due form by the Treasury Department.

The new lessees of 1890 in full belief, and warranted by official reports in believing, that they would get at least 60,000 prime skins in the first season and annually more thereafter, during the period of their contract, purchased the entire land plant of the old lessees, i. e., the salt houses, dwelling and schoolhouses, barns, stores and goods,

and divers chattels, and paid for it, together with the 81 small dwelling houses which the old company built for the natives' occupation—about \$65,000. Those people have lived in these cottages, rent free, during the last 18 years, and do live in them now, under the same privilege, repairs and paint being also furnished gratis.

Under the present changed order of affairs the Government needs at once part of this plant above recited at least, and, for that matter, should not hesitate to take it entirely off the hands of the new lessees as the condition of the business now stands; also the money paid on account of the native houses should be promptly refunded by the Government to the new lessees, for, as I have said, there can not be any division of responsibility in the coming change of nursing these exhausted rookeries back to good order. The work has got to be entirely free from any and all suspicion of private and intrigue and gain during the next seven years, or it had better not be undertaken. This will require the removal of everybody from these islands except the natives and the Government officers and employees. These resident men should consist of the existing staff of four Treasury agents, a physician for each island, and a school-teacher and storekeeper also, in each village, including a mess cook, and a laundryman.

On account of the remoteness of their situation, those officers and employees of the Government should be housed on these islands and supplied with rations and fuel free of cost to themselves, otherwise the enforced abnormal expense of living there would render their salaries absurdly inadequate. These supplies can be regularly purchased in San Francisco every spring by the collector of customs of that port and sent up to the seal islands on the revenue cutters which annually have cruised and will cruise around about them throughout each coming season.

While the Secretary of the Treasury is fully empowered by existing law, I believe to take any or all steps necessary to preserve and protect these interests of the Government on the seal islands of Alaska, yet the passage of a bill substantially like the following draft will save him from some misunderstanding and doubt in the minds of our people as to the precise limit of his authority. He also needs the authority of law for the establishment of the school-teachers, physicians, etc.

By unanimous consent a recess was taken until 2 o'clock p. m.

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COMMITTEE ON EXPENDITURES IN THE  
DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Saturday, March 14, 1914.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

**TESTIMONY OF MR. HENRY W. ELLIOTT—Continued.**

The CHAIRMAN. Mr. McGuire, you may proceed.

Mr. MCGUIRE. What was the date of the report from which you read yesterday?

Mr. ELLIOTT. November 17, 1890, to Secretary William Windom.

Mr. MCGUIRE. If you made any recommendation with respect to the allowance of rebates to the company by the Government, what was that recommendation?

Mr. ELLIOTT. That they should have a rebate on that rental, not to pay in full the annual rental of \$60,000, because they expected to get 60,000 seals and they only got 20,000 seals. As they were to be taken off the islands on my recommendation, I said it was not fair to collect this entire sum: that evidently they promised to pay \$60,000 for the annual rental of the islands with the full understanding that they were to get 60,000 seals annually, and, therefore, failing to get 60,000 seals, and only getting 20,000, it seemed to me that if they were to be removed that they ought not to pay a full year's rental.

The CHAIRMAN. You mean, for the skins they did not get?

Mr. ELLIOTT. Yes; I suggested a rebate of that rental in proportion to the catch they did not get; in other words, pay only one-third of that rental.

Mr. McGUIRE. Was that about the time of the expiration of the lease?

Mr. ELLIOTT. Oh, this was the new lease, and in the very first months of their work; you see, I stopped them.

Mr. McGUIRE. In 1890?

Mr. ELLIOTT. Yes; they had not been on the islands only a few weeks before I stopped them.

Mr. McGUIRE. You were then in the employ of the Government?

Mr. ELLIOTT. Yes; under the authority of this special act, passed April 5, 1890, and approved April 7.

Mr. McGUIRE. Did you know that that rebate was made by the Government?

Mr. ELLIOTT. I have never followed that through, because the chain of events that followed so swiftly after that, took me out entirely from any connection with the Government, and five or six months after that I was out of the service of the Government by my own volition.

Mr. McGUIRE. I will ask you if, as a matter of fact, you do not know that it was paid and that the Government later recovered the money?

Mr. ELLIOTT. No; the Government did not recover the full rental. I believe the Government finally took it into court, and that the Government lost that claim for the entire rental, but did gain its claim for the full skin tax and bonus; I never suggested that this skin tax and bonus on each skin taken by them should be rebated—quite to the contrary.

Mr. McGUIRE. Does not the record show that the Government won the case?

Mr. ELLIOTT. No; they, the lessees, won on the rental.

Mr. McGUIRE. I do not so understand.

Mr. ELLIOTT. But the Government won on the skin tax and bonus. I speak from personal knowledge, because I came in contact with that end of the business. (See pp. 942, 943, 944, hearing No. 14,1912.)

The CHAIRMAN. Well, the record speaks for itself.

Mr. McGUIRE. Of course. Now, after you had made that recommendation did you ever have any correspondence with representatives of the company?

Mr. ELLIOTT. Oh, yes; I had a good deal of correspondence with Mr. Tevis in which I was urging him to drop this attempt to kill seals and allow a closed time on the islands for seven years and remove his people from there. I had quite a good deal of correspondence with Mr. Tevis and Mr. Mills about that.

Mr. McGUIRE. Was that all you corresponded with them about?

Mr. ELLIOTT. That is all. It ran over 12 or 14 letters, and as Mr. Tevis and Mr. Mills are dead, I do not want to bring those letters in unless they choose to do it.

Mr. McGUIRE. I will ask you whether you wrote to Mr. Mills on March 31, 1891?

Mr. ELLIOTT. Yes, I did.

Mr. McGUIRE. Do you recall what you wrote about?

Mr. ELLIOTT. Yes; I urged him to agree to a suspension of that killing. That was the purpose of my letter.

Mr. McGUIRE. I have here a copy of letter dated March 31, 1891, purporting to be a letter written by Henry W. Elliott to D. O. Mills, 15 Broad Street, New York, which reads as follows:

DEAR SIR: I know I have been repeatedly represented as working to injure your interests on the seal islands, but I have felt certain that as soon as my report was published you would at once recognize the untruth of the charge and respect me all the more.

But my report has not yet been published, because after a consultation with Mr. Blaine I freely left it in his own hands to use in his own time and manner during the pending negotiations, for, unless he can do something to stop this raid of open-water sealers, then there is no use in our attempting to save the seal life by new regulations on the islands.

Mr. ELLIOTT. Quite right; entirely right, sir.

Mr. McGUIRE (reading):

In the first place, I told Mr. Blaine that the Canadians would not believe my statements; that they would simply regard me as having made up a case of distress to aid him in his argument of injury done. Therefore, I urged that he invite them to visit the islands and see the truth for themselves. This he has done, and I hope that the President and Mr. Blaine will select one or two competent good men to meet the British agents in behalf of our Government. When this commission has gone carefully over the field next summer it will find that I have been conservative and accurate in my work.

Mr. ELLIOTT. This is it; this is the work [indicating].

Mr. McGUIRE (reading):

In anticipation of the visit of that commission, I inclose for your information a brief epitome of the status of the seal life as I found it in 1872-1874 and again 16 years later, last summer; and I am quite confident that as you read through it you will be impressed with the gravity of the danger which confronts the perpetuation of these fur seal rookeries.

Assuming that pelagic sealing would be checked when I finished my report last December, it seemed to me only right that during the period of restoration of these shattered interests that the Government should make a full rebate of rental, assume the full cost of feeding, clothing, houses and fuel for the natives, school teachers and physicians; then when killing could be resumed the company could come right forward and again assume these charges; also, the time lost from the period of the lease could be made up by a special act of Congress, and it would be done as all fairness and equity suggested it.

Very sincerely, your friend and servant,

HENRY W. ELLIOTT.

D. O. MILLS, Esq.,  
15 Broad Street, New York.

The CHAIRMAN. Is the original in existence?

Mr. ELLIOTT. That is my letter; that is right.

The CHAIRMAN. I want to know whether the original is in existence?

Mr. McGUIRE. I do not know; but I think it is.

The CHAIRMAN. Do you know where it is?

Mr. McGUIRE. The department would have it, I think.

The CHAIRMAN. Here?

Mr. McGUIRE. I think so.

Mr. ELLIOTT. It is right in this report of mine, November 17, 1890—i. e., those very words are in that report. I have recited my report in this letter in advance to him.

The CHAIRMAN. If the original is in existence, I would like to look at it?

Mr. McGUIRE. Now, Mr. Elliott, you changed your mind about those gentlemen?

Mr. ELLIOTT. I had to. I was assuming when I wrote this letter you recite that those men had been misled into taking up this lease with the understanding that there were 100,000 seals ahead of them there to get, and that they had been cut down to 60,000 by an arbitrary ruling.

Mr. McGUIRE. You were assuming that they had been misled?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Whom did you assume misled them?

Mr. ELLIOTT. I will tell you. I assumed that George R. Tingle did.

Mr. McGUIRE. Who is he?

Mr. ELLIOTT. He was their general manager.

Mr. McGUIRE. Do you know whether he was connected with the company?

Mr. ELLIOTT. He was their general manager at the time. He was the one who helped get them the lease.

Mr. McGUIRE. Was he a stockholder in the company?

Mr. ELLIOTT. No; he was associated with Senator Elkins, who soon became a stockholder.

Mr. McGUIRE. And in what way was he associated with Senator Elkins?

Mr. ELLIOTT. Before the lease was awarded to this company, he was associated with Senator Elkins in urging the Secretary of the Treasury to give the lease to another company, of which Elkins was one of the stockholders; but that company did not bid as high as this company, the North American Commercial Co. Then they got into an agreement whereby Mills, Liebes & Tevis, representing the North American Commercial Co., united with Elkins and his associates, and went in together, with the understanding that George R. Tingle should be the general manager.

Mr. McGUIRE. Where did you get that information?

Mr. ELLIOTT. Oh, that is all in detail in my testimony before the Ways and Means Committee of this House, given January 14-28, 1907.

Mr. McGUIRE. Whose testimony?

Mr. ELLIOTT. Mine. It is all in print.

Mr. McGUIRE. Where did you get it?

Mr. ELLIOTT. I got it from these men.

Mr. McGUIRE. From what men?

Mr. ELLIOTT. Tingle himself.

Mr. McGUIRE. Where is Tingle now?

Mr. ELLIOTT. He is dead.

Mr. McGUIRE. Whom else did you get it from?

Mr. ELLIOTT. It is a long story; it would take me a week to tell you all the details.

Mr. McGUIRE. Is there anyone living from whom you got that story?

Mr. ELLIOTT. Unfortunately I can not think of anybody. Gen. Jeffries is dead; Mr. Hutchinson is dead; Dr. McIntyre is dead. He expected to have been retained as "general manager" or "superintendent," and he told me most of it.

Mr. McGUIRE. So far as you know now all persons who talked to you about that are dead?

Mr. ELLIOTT. So far as I know at this moment. It may be I can recall somebody.

Mr. McGUIRE. Now, Mr. Elliott, what did you mean by this paragraph of this letter:

Also the time lost from the period of the lease could be made up by a special act of Congress, and it would be done as all fairness and equity suggested it.

Mr. ELLIOTT. I will tell you just what I meant, because when I first made this report, Mr. Windom said it would be impossible for him to cancel that lease during these negotiations, and then renew it afterwards. That the best way to do would be to get these men to agree to a suspension of their work for six or seven years, as I recommended; and then, if the Canadians in that time did agree to suspend pelagic sealing, and we did get an agreement to that effect, it might be that they could resume killing on land. I myself never believed they could, but I was perfectly willing to let the events work out themselves, assuming that if at the end of the seven years it was proper to renew the killing under the leasing system, it would be developed.

Mr. McGUIRE. Well, you have not told me yet; you have not answered my question. What was your purpose in making the recommendation? What did you have in mind when you made a recommendation like this?—

Also the time lost from the period of the lease could be made up by a special act of Congress.

Mr. ELLIOTT. Well, because I understood from the conversations I had with Mr. Blaine and Mr. Windom that if they wholly suspended the lease for seven years, and then if the lessees resumed, they would have to have an act of Congress to warrant them in that action.

The CHAIRMAN. I do not want to lead you, but I am under the impression that a moment ago you either suggested or stated that you were working to get a closed season and to get them to stop killing altogether on land.

Mr. ELLIOTT. Yes; I thought that they would be willing if they understood the truth in my report. You know they were strangers to me; I had never seen them or heard of them before; they were suddenly stopped by me, more than by any one man, in killing seals; and therefore I felt, out of all fairness to them, that if they fully understood the thing, they would respect me and agree with me. And I asked by Mr. Windom to unofficially address these men in that way and get a fair, unofficial expression of opinion from them.

Mr. STEPHENS. At that time did you hold any Government position?

Mr. ELLIOTT. Yes; but five or six months after, I separated myself from the Government. When I wrote that, Mr. Windom had died.

Mr. McGUIRE. You did not intend this letter to be in any way a bid for employment?

Mr. ELLIOTT. No; my soul, no.

Mr. McGUIRE. You were not at that time in the employ of the Government?

Mr. ELLIOTT. Yes; but a few weeks later I was not.

Mr. McGUIRE. Whatever employment you had with the former seal company was that—

Mr. ELLIOTT (interposing). That was as an arbitrator.

Mr. McGUIRE. What is the name of that company?

Mr. ELLIOTT. The Alaska Commercial Co.

Mr. McGUIRE. That had ended and the company—



Mr. ELLIOTT (interposing). Oh, whatever "employment" I had with them I never solicited; they came to me. I was trying to get these men (Mills and Tevis) to understand about the matters that were then being held up from the public and in my report; this report of November 17, 1890, which contains the very words you read; they were in my official recommendation, which I inserted in this record yesterday. I assumed that Mr. Mills and Mr. Tevis, the latter, who, by the way, I met in San Francisco, and who came to my room the night I left the city, the day after I arrived, and where we had a nice —

Mr. STEPHENS (interposing). What year was that?

Mr. ELLIOTT. 1890. I wanted to show these men that I had no hostility toward them; that I was not a "conspirator," "hired by the old company"; that I was doing this thing for the best interest of the Government, and that theirs must be subsidiary, and that as good citizens they must agree with me. And, therefore, being an entire stranger to every one of them, never having seen any of them in 1890, May 6, when I went up to the islands (for the first time since 1876), except Liebes—nobody connected with the fur-seal business could have gotten into San Francisco or out of it without seeing him—but never having seen any of these other stockholders, and having stopped them in their work, and hearing myself denounced in the papers by them as "a conspirator," "hired by the old lessees," etc., I felt I would like to come in touch with them, and let them understand fully what I had in view. I always had had this opinion of D. O. Mills: That he was a man of high character. I felt at that time that he had been misled, if any man had been. My friends all told me, "If Mr. Mills understands this thing, Mr. Elliott, he will agree with you," and that caused me to write that letter, being simply a review, in short words, of my report to Mr. Windom. Mr. Windom was dead, and I soon (Apr. 22, 1891) separated myself from the Government after I wrote that letter, because I would not follow Mr. Blaine or Mr. Foster in what I considered malfeasance.

Mr. McGUIRE. You thought Mr. Blaine was guilty of official malfeasance?

Mr. ELLIOTT. I have put that charge of mine in this testimony; it is all in detail. I do not "think" so; I have proved it was so. (See pp. 662-672, hearing No. 10, Apr. 24, 1912; and pp. 304, 305, hearing No. 1, Jan. 17, 1914.)

Mr. McGUIRE. And you thought Mr. Foster was, too?

Mr. ELLIOTT. Yes; that is in the testimony also, and I have proved it. That is the reason I separated myself from the Government's employ. (See pp. 662-668, hearing No. 10, 1912; pp. 304-314, hearing No. 1, Jan. 17, 1914.)

Mr. McGUIRE. I believe you stated that Mr. Tingle was a member of the last company?

Mr. ELLIOTT. He was their "general manager." He had been a United States Treasury agent for five or six years, and that is where he got his knowledge of the seals.

Mr. McGUIRE. I do not care anything about that. As a member of that company—

Mr. ELLIOTT (interposing.) Not as a member but as an official of the company. I do not think he held any stock.

Mr. McGUIRE. You do not think he did?



Mr. ELLIOTT. No; he was their general manager, hired at a salary of \$10,000.

Mr. McGUIRE. Do you think they would put in a general manager who did not have any interest?

Mr. ELLIOTT. I know that Dr. McIntyre held no stockholders' interest in the old company; at least, he told me so.

Mr. McGUIRE. Do you know whether Mr. Tingle had any stock in the company?

Mr. ELLIOTT. I never understood that he had; I understood that he was simply their general manager.

Mr. McGUIRE. He was the only salaried man from whom you got that information?

Mr. ELLIOTT. No; I never investigated it; I have not thought it worth while. It was a matter immaterial and irrelevant.

Mr. McGUIRE. Now, I believe your statement yesterday was that you were never employed by the Alaska Commercial Co.?

Mr. ELLIOTT. Yes; I had no contract.

The CHAIRMAN. Well, now, Mr. McGuire, do you want to go over the same thing again?

Mr. McGUIRE. Only in part; not over the same thing, but I want to recur to one of the statements made by Mr. Elliott yesterday.

The CHAIRMAN. You see, I look at that in this way: He says he was selected as umpire. Now, when he says that he was not an employee, it is simply an explanation of how he acted there; that is, what the facts are, and we can say whether he was an employee or not if that becomes material.

Mr. ELLIOTT. That is the only service I ever rendered, and they solicited that of me: I did not solicit that work from them.

The CHAIRMAN. I remember he stated that in another hearing.

Mr. ELLIOTT. Yes; back in 1911.

Mr. McGUIRE. He did not state in the other hearing anything about what I am now going to ask him. He stated something with reference to the amount of money that he received.

The CHAIRMAN. Yes; there was some talk about that, too.

Mr. McGUIRE. You appeared in a hearing before the Committee on Ways and Means on the subject of the Alaska fur-seal fisheries, did you not?

Mr. ELLIOTT. When was that? What date?

Mr. McGUIRE. March 28, 1884.

Mr. ELLIOTT. Oh, Maj. McKinley, a member of the committee, sent for me, and I went up.

Mr. McGUIRE. Well, you appeared?

Mr. ELLIOTT. Oh, yes; I was there.

Mr. McGUIRE. Who was the chairman of the committee?

Mr. ELLIOTT. William R. Morrison. The first thing he said to me when I came in was, "What are you lumbering in here for?"

Mr. McGUIRE. I find this question:

The CHAIRMAN. Tell us what relation you bear to this matter.

Mr. ELLIOTT. Do you mean from the beginning?

The CHAIRMAN. No; what relation you bear to it now.

Mr. ELLIOTT. As an expert; not as an attorney, but as one ready to go under oath and testify.

Mr. ELLIOTT. That is true; I remember that word "expert."

Mr. McGUIRE (reading):

The CHAIRMAN. What brings you here?

Mr. ELLIOTT. I am here at the request of the Alaska Commercial Co.—

Mr. ELLIOTT (interposing). No; I deny that. I could not have made that statement.

Mr. McGUIRE (continuing):

as an expert and not as an attorney.

Mr. ELLIOTT. I deny that; I never saw those "notes." Those have been padded and interpolated. I came there at the request of Hon. William McKinley, Jr., who was a member of the committee, and who sent a riding page down to me at the Smithsonian that morning.

Mr. McGUIRE. Although this examination occurs just as I read it in your testimony, you say it is not true?

Mr. ELLIOTT. Well, I never said that; I never saw those "notes"; that is not what I said.

Mr. McGUIRE. Then you deny this answer?

Mr. ELLIOTT. I deny that answer in that form; yes, sir.

Mr. McGUIRE. "I am here at the request of the Alaska Commercial Co. as an expert, and not as an attorney." You deny making that statement?

Mr. ELLIOTT. "At the request of the Alaska Commercial Co."—yes; most emphatically I do. I remember clearly saying that I appeared as "an expert and not as an attorney."

Mr. McGUIRE. Mr. Hewitt was a member of the committee?

Mr. ELLIOTT. A. S. Hewitt, of New York; yes. I remember him very well.

Mr. McGUIRE. In the course of the inquiry, as the record shows, he asked this:

Are you in the employ of the company at present?

The CHAIRMAN. When was this?

Mr. McGUIRE. At the same time; the same date as before.

Mr. STEPHENS. What year?

Mr. ELLIOTT. Right there——

The CHAIRMAN (interposing). Let us get the date.

Mr. ELLIOTT. 1884; I think that is what he read.

Mr. McGUIRE. March 28, 1884?

Mr. ELLIOTT. Yes. Those are the "notes" that Mr. Bowers smuggled in, overnight, into the record of this committee and had them printed without the knowledge of the chairman of this committee. That Bowers did so is in the "testimony," on page 303, hearing No. 7, August 5, 1911, and is admitted by him.

Mr. McGUIRE. On page 36——

Mr. ELLIOTT (interposing). They are the same "notes" that Mr. Bowers smuggled in overnight, and I declared that they were padded and false on the same day he brought them up. (Hearing No. 7, Aug. 5, 1911, pp. 309, 310.)

The CHAIRMAN. Where are these notes?

Mr. ELLIOTT. I do not know; I never saw them.

The CHAIRMAN. Are they printed?

Mr. McGUIRE. These are from the original record.

The CHAIRMAN. Do you have the original notes?

Mr. McGUIRE. Yes; I have seen the original notes; they are a part of the record. I will get the hearings of the committee, if necessary. I am taking this right from the notes.

Mr. STEPHENS. Are they printed?

Mr. ELLIOTT. I make the point that I never saw them, and therefore I——

Mr. McGUIRE (interposing). You will have a chance to explain.

The CHAIRMAN. If you have the original notes I wish you would produce them.

Mr. McGUIRE. I will try to get them; I think I can get them.

Mr. ELLIOTT. Right there; if you have them, what then? I never saw them; what do they signify?

Mr. McGUIRE (reading):

Mr. HEWITT. Are you under salary of the company?

Mr. ELLIOTT. Yes.

Mr. ELLIOTT. That is another falsehood.

Mr. McGUIRE. Did you or did you not give that testimony?

Mr. ELLIOTT. I say no.

Mr. McGUIRE (reading):

Mr. HERBERT. What service are you employed to render?

Do you remember that question?

Mr. ELLIOTT. No; I do not quite remember it.

Mr. McGUIRE (reading):

Mr. ELLIOTT. As counsel and adviser in the work on that island.

Mr. ELLIOTT. I could not have used the word "counsel." That is absurd. I am not a lawyer, and never have pretended to be one.

Mr. McGUIRE. You did not do that?

Mr. ELLIOTT. No; I might have said "adviser."

The CHAIRMAN. Now, Mr. McGuire, I want to suggest that it is hardly fair to examine the witness without having the original notes. That was nearly 30 years ago.

Mr. ELLIOTT. Mr. Chairman, it has all been thrashed out here.

Mr. McGUIRE. I am vouching for these as correct, but if there is any question about them I will get the original notes and reexamine him.

The CHAIRMAN. The witness should at least have a chance to refresh his recollection.

Mr. McGUIRE. I should be very glad——

Mr. ELLIOTT (interposing). I have never seen the "notes" he quotes. How can I "refresh my recollection," if I have never seen the "notes"? How am I going to refresh my recollection, when I never revised or saw the "notes"?

The CHAIRMAN. Well, let us understand——

Mr. ELLIOTT (interposing). I do not want any "notes" brought here that I have never seen, and have never revised as my "testimony;" that is what I am——

The CHAIRMAN (interposing). Well, you wait until we get through.

Mr. ELLIOTT. Yes; but I want to understand——

The CHAIRMAN (interposing). I would like to look at those notes if you have them; not that I question your right to quote extracts, but it is a matter so long ago that I think we ought to have the original notes.

Mr. ELLIOTT. Does not that cover the right of a witness to correct his "notes," if he is to be brought in as a sworn witness?

Mr. McGUIRE. At the request of the chairman I will provide, if possible, the original questions and answers as they were given before the committee. However, I vouch for the accuracy of the copies which I have, but will produce the originals, if I can.

The CHAIRMAN. I will ask Mr. Elliott this: Do you mean to say that these notes are printed in the other hearings?

Mr. ELLIOTT. No; but a copy was, which Bowers brought in—smuggled in—purporting to be the "notes" of my "testimony" given before that committee, which I had never seen before, until he brought them in. (See pp. 139-142: Hearing No. 3, 1911.)

The CHAIRMAN. That shows that the originals ought to be produced.

Mr. ELLIOTT. If they are produced what do they signify?

The CHAIRMAN. One moment; you are not asking me any questions.

Mr. ELLIOTT. That is true, but I say that if they are produced here, they have no value whatever.

Mr. STEPHENS. I reserve the right to strike from the record all of this evidence if the original does not appear in the evidence, if there be any objection.

The CHAIRMAN. It would not be germane unless the original is produced.

Mr. McGUIRE. If the original can not be found and if the copy which I have can not be verified as being accurate and speaking the truth, then I would not care to ask that it be placed in the record.

The CHAIRMAN. I think you are correct about that.

Mr. ELLIOTT. Right here, in my own testimony to this committee I have changed the word "no" to "yes" three times; and "yes" to "no" twice. Mr. Clark has changed the word "no" to "yes" twice in his testimony; why am I to be held down to a set of "notes" which I have never seen?

The CHAIRMAN. You are to understand that it is not a question of how you shall be held down, but as to how the committee shall proceed.

Mr. ELLIOTT. The committee wants to distinctly understand that I had never seen these "notes" that were brought in here overnight, and they are not my "notes," and are padded and false as introduced as my testimony by Mr. Bowers, June 28, 1911, in Hearing No. 3, pages 139-142.

Mr. McGUIRE. How much did the company pay you?

Mr. ELLIOTT. What company?

Mr. McGUIRE. The North American Sealing Co.

Mr. ELLIOTT. The North American Sealing Co.?

Mr. McGUIRE. The Alaska Commercial Co.?

Mr. ELLIOTT. I kept no books. I have stated it in my testimony once, and I do not want to qualify it. It is stated in Hearing No. 4, pages 205-207, July 11, 1911, and I will read that if you like.

Mr. McGUIRE. You need not mind.

Mr. ELLIOTT. I have stated it there, and I still stand by it.

Mr. McGUIRE. I think you made some statement in regard to that?

Mr. ELLIOTT. Yes, and that stands; I do not want to qualify it or change it.

Mr. McGUIRE. On page 499, Hearing No. 10, you said that at one time you received \$5,000 from that company?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Then at another time \$1,000 from the company?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Then at another time \$1,000 and perhaps more?

Mr. ELLIOTT. Yes; I think more. I have no books; I have not kept them. After the settlement of the Otis dispute, I think they gave me more; I think it went up above that.

Mr. McGUIRE. That is at least \$7,000 that you received from the Alaska Commercial Co.?

Mr. ELLIOTT. Oh, yes; it might have been \$100,000, but what is the difference? The principle is the same.

Mr. McGUIRE. I was just asking you the question. Now, were you in favor of re-leasing the islands in 1909?

Mr. ELLIOTT. 1899 you mean.

Mr. McGUIRE. In 1909 I asked you?

Mr. ELLIOTT. Oh, no.

Mr. McGUIRE. Why were you not?

Mr. ELLIOTT. Because I learned in 1890, that it could not be done properly; that the lease had got to be canceled; I knew that then in detail, and it is the base of my recommendation to that end in my report of November 17, 1890. I said distinctly——

Mr. McGUIRE (interposing). Were you in favor of re-leasing them in 1899?

Mr. ELLIOTT. Yes; I did not know then what changes had been made in the status since 1874. I did not then have any idea about the difficulties which the palagic sealing had brought about. I did not understand the changed order of affairs, as I had not been on the islands for nearly 20 years. Then, when I went up in 1890, I saw at a glance that here was a question of alien private interests in the water, and our own lessees, or their private interests, on the islands; that the alien private interests would never yield as long as our private interests were in the business. That is the reason I made that recommendation.

Mr. McGUIRE. In 1889 when you——

Mr. ELLIOTT (interposing). 1888, I think it was. I do not remember making any expression in 1889. I think it was in 1888 when I was asked by Chairman Dunn to come up and testify before the Committee on Merchant Marine and Fisheries. I went up from the Smithsonian at his request, and he asked me to give him a story of the seal life on the islands. He was interested in the biological end of it, and he had read my works. In the course of that statement, he asked me that question, and I said, "yes"; I then thought it was all right. I did not know that anything was wrong at that time; had no conception of the change wrought in the premises by the issue of pelagic sealing, which was not in sight even during my studies of 1872-1874.

Mr. McGUIRE. Now, Mr. Elliott, unless the other members of the committee want those extended explanations, I would suggest that you just explain far enough to protect your testimony all the way through.

Mr. ELLIOTT. All right.

Mr. McGUIRE. Without quite so much detail.

Mr. ELLIOTT. I wanted to make that clear; I wanted you to understand it.

Mr. McGUIRE. You did make a recommendation in 1888 or 1889 for the re-leasing of the islands?

Mr. ELLIOTT. I made no recommendation.

Mr. McGUIRE. You were in favor of it?

Mr. ELLIOTT. I saw no objection to it. I had no interest in it; no interest any more than you had. I was, however, deeply interested in the biology of the seals, and my whole testimony, if I remember, related chiefly to the seals.

Mr. McGUIRE. That was when the Alaska Commercial Co. had the islands?

Mr. ELLIOTT. Oh, yes; they had the lease of the islands all right.

Mr. McGUIRE. In 1888 and 1889?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. That was the company that gave you the money?

Mr. ELLIOTT. Yes, sir. It would have been just the same, if they had not.

Mr. McGUIRE. You had no objection to the re-leasing?

Mr. ELLIOTT. At that time, no.

Mr. McGUIRE. Do you say to this committee that you did not make any recommendation in your testimony or evidence that they should be re-leased?

Mr. ELLIOTT. No; I did not. I never had any thought of such a thing; it did not come up.

Mr. McGUIRE. Did you object at any time to the Government taking over the islands?

Mr. ELLIOTT. Yes. At the very beginning I did. According to my first idea in 1872-1874, I thought it would be a bad idea for the Government to manage the business, and so thought up to 1890 and till I saw the changed order of affairs due to pelagic sealing in that year for the first time.

Mr. McGUIRE. When was that?

Mr. ELLIOTT. That was before I knew much about it; that was in 1872 and 1874. Here it is in my report of 1874. That was before I had experience. Everything looked lovely in 1874, and so when I made my report of 1874 I considered that the settlement of the question as to whether the Government should take control of the islands or should be leased to a private corporation was best settled by having a private corporation take charge of it. I went into an extended analysis of that reason. But after going up there 16 years later I saw that that thing would not work any longer.

Mr. McGUIRE. You never at any time, Mr. Elliott, made a statement to a committee in which you objected to the Government taking over the islands and in which you stated, in substance, that it would be disastrous?

Mr. ELLIOTT. Well, no. I can not think of my making that statement before a committee. I may have repeated some of this before a committee; that is, from my report of 1874. It is possible I did read extracts from my report of 1874; but in 1890 I revised that opinion and acknowledged my mistake, since pelagic sealing had reversed the whole ground of my opinion in 1874 to 1888.

Mr. McGUIRE. Did you appear before the Committee on Merchant Marine and Fisheries on June 8, 1888?

Mr. ELLIOTT. Yes; that is the one I am talking about.

Mr. McGUIRE. Well, that is what I am asking you.

The CHAIRMAN. It has been such a long time since that time that I think it is only fair to the witness to direct his attention to the particular thing you want to bring out.

Mr. McGUIRE. That is the way I am proceeding. I will ask him if he stated so and so.

Mr. ELLIOTT. It was all set forth to that committee from my report of 1874; but when I went up in 1890 the whole thing had changed. Matters were such with the alien private interests, and our own private interests, that it was impossible to get them into any agreement.

Mr. McGUIRE. I will ask you whether you made this statement to that committee:

As a direct governmental control any man running it for the Government would be at the very outset charged with making corrupt combinations, and the scandal and noise would be so great that no reputable man would or could long hold the office. If he did he would be so charged as to be a candidate for the penitentiary before the end of six months, even if he were innocent as a white-winged angel.

Did you say that or that in substance?

Mr. ELLIOTT. Yes; I also said that in 1874. I read that from this report, which I revised in 1890, with a better knowledge and understanding of the changed conditions wrought by pelagic sealing since 1886.

Mr. McGUIRE. You say you said that in 1874?

Mr. ELLIOTT. Yes; it is in this report, the same language.

Mr. STEPHENS. Is that the report you made in 1874?

Mr. ELLIOTT. Yes. (Condition of Affairs in Alaska: Rept. Nov. 16, 1874: Treasury Department, see pp. 94, 96, 97: Printed by Secretary Treasury: June, 1875: 8°, 277 pp.)

Mr. McGUIRE. You did not make that statement on June 8, 1888?

Mr. ELLIOTT. Yes, I did. I made it in my sworn report of 1874, and repeated it June 8, 1888, to that committee. I had no better knowledge, or better light, until 1890.

Mr. McGUIRE. When you say you changed your mind?

Mr. ELLIOTT. I changed my mind in 1890 as soon as I saw the effect of the killing by private interests in the water, and the effect of killing by private interests on the land, and the impossibility of getting any agreement between them. Therefore they both had to be eliminated.

Mr. McGUIRE. Then was this question asked?

You do not think it would be practicable for the Government to undertake the business?

Mr. ELLIOTT. At that time.

Mr. McGUIRE (reading):

Mr. ELLIOTT. No, sir; I do not think it would. It would not result in as clear a record and as handsome a return as it does now. It would harass the Secretary of the Treasury and render the life of the Treasury agents a burden to themselves and their friends.

Did you make that reply to a question on June 8, 1888, before the Committee on the Merchant Marine and Fisheries—House report 3883, Fiftieth Congress, second session, page 146?

Mr. ELLIOTT. Do you want me to answer that?

The CHAIRMAN. Well, did you or did you not?

Mr. ELLIOTT. Yes; I answered it.



The CHAIRMAN. And have it in your report?

Mr. ELLIOTT. Yes. The pelagic sealers changed in 1886-1890 the whole thought I had before in 1872-1874. I will say right now that had we had no trouble in the water and on the high seas I would have continued the relation of leasing, but by having better regulations, which would be enforced, and the law obeyed. I say that frankly. But, with pelagic sealers, it was impossible to have a lease.

The CHAIRMAN. You mean if pelagic sealers happened to control the sea as well as the islands?

Mr. ELLIOTT. Yes; that is exactly what it was; and that ended any idea of a lease. That dawned on me quickly in 1890.

Mr. McGUIRE. Was it ever the practice to kill pups—that is, to kill pups from 4 to 6 months old? Was that the practice when you were on the islands in 1872 and 1874?

Mr. ELLIOTT. They killed male pups for food in November, 4,000 or 5,000 of them. They had been doing that from away back—since 1804, annually. They separated them, male from female. That had been the regular practice.

Mr. McGUIRE. Was that when you were in charge?

Mr. ELLIOTT. Why, certainly; but I was not “in charge.” I was only an assistant. Nobody objected to it, however.

Mr. McGUIRE. Then it is a fact that 1872 and 1874—

Mr. ELLIOTT (interposing). Yes.

Mr. McGUIRE (continuing). They killed more than 5,000 pups from 4 to 6 months old, before they left the islands.

Mr. ELLIOTT. Yes, sir. That is all officially reported. They killed them for food for the natives. They never killed any female pups. They separated them.

Mr. McGUIRE. Do they do that now?

Mr. ELLIOTT. No. I urged in my monograph of 1884 that it be discontinued as a waste.

Mr. McGUIRE. And when you were there as the representative of the Government, in 1872 and 1874, you did not speak of it?

Mr. ELLIOTT. No; because it did not seem to have any significance. There were about a million and a quarter of pups on the islands then.

Mr. McGUIRE. Since that time you objected very vigorously to the killing of yearlings?

Mr. ELLIOTT. Well, I objected at that time, but this idea of killing five or six thousand male four-months-old small pups was like a drop in the bucket, or a grain of sand on the seashore. Nobody paid any attention to it.

Mr. McGUIRE. That was done under your direction?

Mr. ELLIOTT. No, sir; it was not done under my direction. I was not in control there. I was not the agent in charge.

Mr. McGUIRE. Then I misunderstood you. I understood you were a representative of the Government.

Mr. ELLIOTT. Yes, sir; but I was a subordinate agent, an “assistant agent,” and really, I paid very little attention to those small official matters which the chief special agent was charged with.

Mr. McGUIRE. You made no objection at that time?

Mr. ELLIOTT. No, sir; there was no reason for it. It did not amount to a row of pins.

Mr. STEPHENS. Was there any rule or regulation prohibiting it?

Mr. ELLIOTT. No, sir. Not until the promulgation of the Carlisle rules in 1896, was any regulation ever made which prohibited the killing of yearlings, even.

Mr. STEPHENS. When were they promulgated?

Mr. ELLIOTT. May 14, 1896.

Mr. STEPHENS. Have they been in force ever since?

Mr. ELLIOTT. They have been in force ever since. They have never been amended. But this killing of 5,000 small four and five months old male pups, when there were more than 1,000,000 pups on the islands, was perfectly innocuous.

Mr. McGUIRE. How about the yearlings at that time?

Mr. ELLIOTT. Nobody cared anything about them. They killed annually a few hundred of them for pup blankets. There was no regulation prohibiting it.

Mr. McGUIRE. In your monograph at page 69 you say that 5,743 pups under 6 months old and an unstated number of yearlings—

Mr. ELLIOTT (interposing). Yes; nobody kept track of them.

Mr. McGUIRE (continuing). Of which 5,806 were rejected by the company, were killed in 1880.

Mr. ELLIOTT. No; I did not say any yearlings were killed by the Government or the lessees. That is a statement by Gen. Otis. That must have been a footnote to his report, which I have got in my monograph.

Mr. McGUIRE. Yes.

Mr. ELLIOTT. But nobody wanted in 1872-1874-1884 any yearlings. They were of no value. Therefore no regulation appeared because no yearlings were taken by the lessees until Secretary Carlisle learned in May, 1896, that the lessees were going to take yearlings; then he put out these regulations forbidding that killing, May 14, 1896.

Mr. McGUIRE. Now, Mr. Elliott, there was some contention yesterday as to your attitude and the attitude of the representatives from the department with respect to whether a sealskin is lighter when it is first taken from the seal or whether it is lighter after it has been salted for shipment to the place of final disposition or sale. I ask you whether at a former hearing you did not state that the skins were heavier after they were salted than when they were taken from the seal?

Mr. ELLIOTT. I have always stated that, and I do now.

Mr. McGUIRE. Then your position is that when a skin is taken from the seal with a reasonable amount of blubber and weighed and salted, as they salt them for shipment, after it has laid in the salt for some time, for some weeks, and whatever juices are extracted by the dissolution of the salt are separated from the skins, that the skins will be heavier; is that right?

Mr. ELLIOTT. You are putting words in my mouth which I did not say.

Mr. McGUIRE. I am asking you a question.

Mr. ELLIOTT. Why, you are assuming that I took that ground.

Mr. McGUIRE. I am asking you what ground you took?

Mr. ELLIOTT. I took the ground that the skin is increased in weight by the salt that is put on it when it is packed as cured and leaves the islands; my additional experience with 400 skins last summer has again proved it. Every one of them was increased in weight.

The CHAIRMAN. Without intending to interrupt in any way whatever, is it not a fact that if you throw handfuls of salt on a skin it will get heavier but it may dry later? In other words, it depends on the length of time, whether the salt is applied—if there were a skin here now, and if we threw 2 pounds of salt on it, would it weigh less after the 2 pounds of salt were put on it?

Mr. ELLIOTT. Certainly not.

The CHAIRMAN. It seems to me—and I may have a wrong impression—that the theory is that if a skin has been in the salt for four months it may make a difference in the weight. Is that your contention, Mr. McGuire?

Mr. MCGUIRE. The contention, Mr. Chairman, is this: In the former testimony before the committee, I at least received the impression that Mr. Elliott took the position that after a skin was salted, immediately before shipment to be sent to market, after the fragments and juices extracted by the salt were off of the skin, that the skin would still be heavier because it was wet. Now, I am not certain that I understood him correctly.

Mr. ELLIOTT. You did not.

Mr. MCGUIRE. I also understood the department officials to say that after experimentation the skins were lighter. It arose over the question of the salting of these 400 skins. There was a contention yesterday as to whether I had understood Mr. Elliott's position correctly. Of course, the heft or lightness of the skin depends upon the amount of salt at the time, if you are going to weigh them at the time, but after four or six months——

The CHAIRMAN (interposing). But I say that the course of time must necessarily——

Mr. ELLIOTT (interposing). The length of time does not have anything to do with it; i. e., with my position in the case.

Mr. STEPHENS. In my country the climate has something to do with it. It will necessarily dry, but in Alaska the climate is different.

Mr. MCGUIRE. The skins are packed by twos and heretofore they have been sent to the London markets. Now, when they take them there and shake them out, allowing a reasonable time for transportation, say two months, the contention of the department is that they would be lighter. I understand Mr. Elliott's contention is that they would be heavier. That is what I am inquiring about.

Mr. ELLIOTT. Now, let me show you where Mr. McGuire has not correctly understood me.

Mr. MCGUIRE. I am asking you.

Mr. ELLIOTT. You are laboring under a misapprehension.

Mr. MCGUIRE. Wait until I ask you a question.

The CHAIRMAN. For the benefit of the committee, let us see what is correct.

Mr. MCGUIRE. But he could answer my question and then make any explanation he wants to. I am interrogating him.

Mr. ELLIOTT. And I answer you that you are mistaken.

Mr. MCGUIRE. All right.

Mr. ELLIOTT. Now, I will prove it.

Mr. MCGUIRE. But wait until I get through with this page. I have here hearing No. 1, May 31 and June 2, 1911, page 13. Mr. Townsend is interrogating Mr. Elliott. It is the last paragraph at

the bottom of the page. Mr. Townsend is speaking of the length of 50 skins (reading):

Mr. TOWNSEND. That was the average of 50?

Mr. ELLIOTT. Yes, sir; yearling skins. And we killed them that day because there was a demand made for some "blanket" skins. (In those days there was no such close restriction on killing seals as now. They were not enforced. There were so many of them that the matter of killing 50 yearling skins just for the sake of getting the measurements, and that sort of thing, was nothing. Nobody cared anything about it. Some one wanted the "backs" of them to sew up into blankets, and so it was done cheerfully for that purpose. I remember it distinctly.) Then, that yearling skin was taken into the salt house and from half a pound to a pound of coarse rock salt, according to the care or carelessness of the native, was thrown upon the fleshy side. That salt is slowly dissolved in 7 days or 10 days, or 2 weeks, as the case may be. It does not run off. It "strikes in" and goes into the hide and cures it and stiffens it and makes a kind of crust, which adds all the way from half a pound in such a small skin to a pound in a larger skin, or a pound and a half, of increased weight when it goes over to London from its "green" condition.

Now, that is your position now, is it?

Mr. ELLIOTT. Yes; that is my position.

Mr. McGUIRE. And the salted skins there in Alaska will weigh more in London after they have been salted a sufficient length of time—a reasonable time for transportation—than they weighed when they were taken from the seals?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Now, you may make your explanation or whatever you have to say.

Mr. ELLIOTT. On page 134, hearing No. 1, of this session—your name appears in there, Mr. McGuire, and I want to show you that you are mistaken—there occurred this extract from hearing No. 9, pages 444, 445, and 446.

Mr. LEMBKEY. No, sir. I speak of the weights on the islands, and have brought in the London weights to show there is not really very much variation.

Mr. McGUIRE. That is what I am speaking about. The weights you speak about after salting are the London weights?

Mr. LEMBKEY. Yes, sir.

Mr. McGUIRE. That is what I was trying to get at. Now, then, Mr. Elliott, what weights do you speak about?

Mr. ELLIOTT. I speak of the London "salt weights" increasing the "green weights" on the islands one-half pound and more, as the skins vary in size.

Mr. McGUIRE. You speak of the green weights in London after they have been salted?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And Mr. Lembkey spoke of the weights in London after they have been salted.

Mr. ELLIOTT. We are both speaking of the same thing.

Mr. McGUIRE. You say there is a slight decrease—no—you say, Mr. Elliott, there is an increase from a fraction of a pound to a pound, even in London?

Mr. ELLIOTT. Even in London. I wish to quote as my authority the man who does the classifications in London, Sir George Baden-Powell, and Dr. George M. Dawson, the British commissioner, addressed a letter to Sir Curtis Lampson.

The CHAIRMAN. What do they say?

Mr. ELLIOTT. They say:

"We are unable to answer your inquiry as to what class the sales catalogue would place a skin classified on the island as, say, a 7-pound skin, as we do not know whether the classification you mention with reference to the skins is taken after — or after they have been cured and salted ready for shipping. The process of curing and salting must of necessity add to the weight.

Mr. LEMBKEY. "Must of necessity." I submit that was merely his inference that they must of necessity be increased in weight.

The CHAIRMAN. Is that not true?

Mr. LEMBKEY. No; I stated it was not.

The CHAIRMAN. You differ on that?

Mr. LEMBKEY. All our experiments show that the salting of skins slightly decrease the weight. Those gentlemen's inference—and I think the inference of a great many people who have never made an experiment on that point—would be that the salt does increase it.

Now, opposing that is Mr. Lembkey's own official entry in his journal, Saturday, July 23, 1904. He says:

On July 18, 107 skins taken on Tolstoi were weighed and salted. To-day they were hauled out of the kench and reweighed. At the time of killing they weighed 705 pounds, and on being taken out they weighed 759½ pounds, a gain in salting of 54½ pounds, or one-half pound per skin.

Mr. STEPHENS. Where do you find that?

Mr. ELLIOTT. It is right here in this deadly parallel, on page 134, hearing No. 1, January 17, 1914. Lembkey affirms Sir Curtis Lampson, the English authority. They agree there exactly. Now, why do I want to discredit them? Mr. Lembkey is the authority on the islands, and Mr. Lampson is the English authority. Why should there be any dispute about that?

The CHAIRMAN. Your position is that his statement confirms yours?

Mr. ELLIOTT. Yes; and it confirms the English authority.

Mr. PATTON. The English authority does not say that they have made the test.

Mr. ELLIOTT. They do not say that he had not.

Mr. MCGUIRE. You are assuming that he has.

Mr. ELLIOTT. No; you are assuming that he has not. If Lembkey is right, he has made the experiment; and if Lembkey is wrong, then he is wrong.

Mr. PATTON. If I remember correctly, we weighed some skins.

Mr. ELLIOTT. Yes.

Mr. PATTON. And they did not show any gain?

Mr. ELLIOTT. That is because all the salt and some "welts" of blubber were shaken off of them—was "shaken, swept, and brushed" vigorously and thoroughly off.

Mr. MCGUIRE. Then you are taking the position that the salt is packed on the skins so that it can not be gotten off, and it will increase the weight of the skins. Anybody can tell you that you can add weight by putting something on things. But you believe that after giving it a fair test the skin will lose in salting.

Mr. ELLIOTT. I have not made that statement. I have not said that the skins will not lose if all the salt is shaken off and they are dried. Of course, if you take all the salt off and dry them they will be lighter.

Mr. PATTON. Then the skins are lighter after salting?

Mr. ELLIOTT. Well, I am not talking about dried skins, I am talking about green skins.

Mr. PATTON. But you said they were lighter.

Mr. ELLIOTT. I said as dried skins they can be lighter.

Mr. PATTON. Mr. Lembkey says that they are lighter after salting. You now say that you agree with him that if you take all the salt off the skins will lose.

Mr. ELLIOTT. Of course; if you take all the salt out of the skins they are bound to lose. He did not do that on the islands, and no one ever has done such a thing when the skins were cured and shipped. It would ruin them.

Mr. PATTON. Then the difference in weight is in the amount of salt when they are weighed over there?

Mr. ELLIOTT. Yes.

Mr. PATTON. And if the salt drops off they lose, and if the salt stays —

Mr. ELLIOTT (interposing). Well, but they do not "drop it off." They keep it on, substantially all of it, until it goes to the dresser. They pile the skins up there, and nearly all of this salt used in curing of shipment is left on them until the buyer sends them to the dresser.

Mr. McGUIRE. How do you get that information?

Mr. ELLIOTT. Oh, I heard these men talking about it.

Mr. McGUIRE. Who did you hear?

Mr. ELLIOTT. The lessees' men on the islands, who were at the London sales, with the buyers and the furriers there.

Mr. McGUIRE. Who did you talk with on the islands?

Mr. ELLIOTT. Dr. McIntyre, Thomas Morgan, Daniel Webster, and Mr. Hutchinson.

Mr. PATTON. Where are they now?

Mr. ELLIOTT. Oh, my Godfrey; they are dead. That was a long time ago—it was in 1873-74. I am a pretty old man, Mr. McGuire; nearly old enough to be your father.

Mr. PATTON. You do not look it.

Mr. ELLIOTT. When you ask me to go into the past, and bring these men back to life, and bring them before the committee, you ask an impossibility, and it is not fair to me.

Mr. McGUIRE. When you quoted Mr. Lembkey as saying that he had had experience with a number of seals —

Mr. ELLIOTT (interposing). Yes.

Mr. McGUIRE. And they were heavier after they were salted—

Mr. ELLIOTT (interposing). Yes.

Mr. McGUIRE. You did not quote him in full.

Mr. ELLIOTT. Just exactly everything that he put into the journal. He is quoted exactly and "in full," as he records it, in his official record.

Mr. McGUIRE. Now, as a matter of fact, you remember his testimony—

Mr. ELLIOTT (interposing). Oh, I remember his testimony, all right.

Mr. McGUIRE. You remember having read that testimony?

Mr. ELLIOTT. Oh, yes; I heard and then read his testimony.

Mr. McGUIRE. That they threw those skins into a pond?

Mr. ELLIOTT. Oh, yes; but that is not in his official journal.

Mr. McGUIRE. Is not that in Mr. Lembkey's testimony?

Mr. ELLIOTT. Yes; but it is not in his official journal. It was an afterthought. A good many afterthoughts came into his testimony later.

Mr. McGUIRE. Well, let it be an afterthought.

Mr. ELLIOTT. I am going to bring in some more, after awhile.

Mr. McGUIRE. Mr. Lembkey stated they put those skins in water and that they laid in water for the purpose of protecting them and preventing their exposure until they took them into the salt house, and in this soaked and watered condition they salted them?

Mr. ELLIOTT. Yes.



Mr. McGUIRE. That was the batch of skins that you just now spoke about?

Mr. ELLIOTT. No, sir; different batch and different day. There is no record of it in his official journal—not a word.

Mr. McGUIRE. Now, I will ask you whether you heard the testimony of the witnesses from the department, including the testimony of Dr. Evermann?

Mr. ELLIOTT. I heard that all.

Mr. McGUIRE. In which they told of their experiments and said that the skins were lighter after salting?

Mr. ELLIOTT. Yes, sir; they ought to be lighter if they are dried and swept; they dried them and swept all the salt off of them, and all of the blubber "welts," too.

Mr. McGUIRE. You know that is not his testimony. That is not the testimony of the witnesses from the department.

Mr. ELLIOTT. Well, they took the salt off.

Mr. McGUIRE. You said they dried them.

Mr. ELLIOTT. Oh, that is what it means. Let us get the exact testimony, and we will get it right.

Mr. McGUIRE. But you said "If they were dried."

Mr. ELLIOTT. They must have dried them, to get them in that shape.

Mr. McGUIRE. Then, in your judgment, they dried them?

Mr. ELLIOTT. Oh, they were dried in the manipulation.

Mr. McGUIRE. Is that the batch of skins that you had up there?

Mr. ELLIOTT. No, sir. I will show you. Let me show you what they did. No wonder they were lighter. In Hearing No. 14, pages 974 and 975, July 29, 1912, also appearing on page 135 of Hearing No. 1 of this session, Dr. Evermann says:

Dr. EVERMANN. Last year, when Mr. M. C. Marsh, naturalist, fur-seal service, went to the Pribilof Islands he was instructed to make certain investigations, one of which was to determine by actual experiment the effect that salting has upon the weight of fur-seal skins. He made a very careful investigation of the matter, and his report has just been received. It is so interesting and valuable that I wish to put it in the record. His investigation settles the question conclusively and for all time. It shows that salting causes fur-seal skins to lose weight. The report is as follows:

"The average loss of weight for the whole 60 skins is 0.63 pound, or 10 ounces. This is an understatement of the average loss of weight, which, I believe, is at least an ounce greater. The reason is that it is practically impossible to mechanically remove all the salt from the skins before reweighing. They were shaken, swept, and brushed, but a few grains and crystals of salt were always left adhering to each side of the skin. Obviously, it would not do to wash them off. By more carefully cleaning a few of the reweighed skins and then again weighing them, I estimate this residual salt to average an ounce or something more."

Mr. McGUIRE. That is Dr. Evermann's testimony?

Mr. ELLIOTT. That is Dr. Evermann's testimony covering the experiments made by Mr. Marsh "last year," meaning 1911.

Mr. McGUIRE. They swept and brushed them?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. And could not get the salt off?

Mr. ELLIOTT. No; they could not get "every grain" they say. Now, in doing that, they certainly "dried" them in the very act of hard sweeping and stiff brushing them.

Mr. McGUIRE. That is your judgment.

Mr. ELLIOTT. Well, that would necessarily dry them.



Mr. PATTON. Were those skins dry that were here?

Mr. ELLIOTT. Oh, do not ask me about them. I will let the testimony stand as to that. We went over all that, April 24, 1912, see pages 545-557, hearing No. 10, et seq.

Mr. PATTON. Well, that is not an answer to my question. Were they dry?

Mr. ELLIOTT. Oh, no. They were moist with more or less salt adherent. But if I had taken those skins—I will show you right here now——

Mr. PATTON (interposing). I am asking you.

Mr. ELLIOTT. All right; those skins were moist with more or less salt adherent.

Mr. McGUIRE. Now, Mr. Elliott, you spoke of taking 400 skins while you were there on the islands last summer.

Mr. ELLIOTT. They were "taken" by Mr. Lembkey, July 7, 1913, and I handled them, July 29, 1913. I did not see him kill the seals; but the official record of that work fixes the date. I did not land on St. Paul until 8.40 a. m., July 9, 1913.

Mr. McGUIRE. Did you examine those skins?

Mr. ELLIOTT. Yes; every one. I looked at every one very closely.

Mr. McGUIRE. What about the blubber on those skins? Was there more or less than there ought to be?

Mr. ELLIOTT. I have described it in detail—see pages 122-135, hearing No. 1, 1914. Briefly, I will tell you that every little skin, with the exception of 18, carried an excessive thickness of blubber, varying in thickness from—well, the thickness of the blubber varied from half an inch to one-sixteenth of an inch. The lightest of the small skins weighed  $4\frac{1}{4}$  or  $4\frac{1}{2}$  pounds. Some of them were "loaded" or blubbered up to  $5\frac{1}{2}$ , to  $6\frac{1}{2}$ , and 7, and  $7\frac{1}{2}$  to  $8\frac{1}{4}$  pounds. There were only 18 of those small 34-inch skins that were properly skinned and not unduly "blubbered" out of a total of 134 such.

Mr. McGUIRE. What do you mean by properly blubbered?

Mr. ELLIOTT. Not "properly blubbered."

Mr. McGUIRE. You mean those that had too much blubber?

Mr. ELLIOTT. They had "blubbered" them from  $4\frac{1}{4}$  pounds up to 6, 7, and 8 pounds. They are all identified and ready for use.

Mr. McGUIRE. You took that number of skins from the salt house where all skins had been salted?

Mr. ELLIOTT. No; I did not take them, Mr. McGuire. They were taken by Mr. Lembkey on July 7, the day before we landed. It was a typical day's work. I gave notice to Mr. Chamberlin July 14, 1913, that I did not want them disturbed for bundling until I measured them and examined them.

Mr. McGUIRE. And that is the batch of 400 skins?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. They were killed in the usual way?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Skinned and cared for as all the rest of them were skinned and cared for?

Mr. ELLIOTT. Yes, sir. That was a complete, typical day's work, as had been done every season for 16 years back.

Mr. McGUIRE. And they had the proper and usual amount of blubber?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. And the skins that did not have enough blubber——

Mr. ELLIOTT (interposing). Oh, no skin failed to have enough. Most of them had too much.

Mr. McGUIRE. Well, I meant they had too much.

Mr. ELLIOTT. Yes, sir; the little skins had too much.

Mr. McGUIRE. Do you know how the Government came to sell those skins?

Mr. ELLIOTT. Oh, yes. They were selling them by the agency of reputable people, in London first and St. Louis last, in so far as I know, up to this hour.

Mr. McGUIRE. Yesterday I sent a telegram to Funsten Bros. & Co., St. Louis, making inquiry as to whether the skins which were taken from the Pribilof Islands by the agents of the Government of the United States in 1913 and sold in St. Louis were properly skinned and properly treated, this being the firm that handled the skins for the Government and sold them for the Government. I received this reply on my desk this morning:

ST. LOUIS, Mo., *March 13.*

Hon. BIRD McGUIRE,

*House of Representatives, Washington, D. C.*

Telegram received. Alaska sealskins handled by us for United States Government last December did not have enough blubber left on the skins. This was the only criticism made by the buyers in connection with the shipment and sale. They were otherwise properly skinned, properly salted, and bundled for shipment.

FUNSTEN BROS. & Co.

The CHAIRMAN. Does that refer to the 400 or the other skins?

Mr. McGUIRE. It refers to all the skins.

The CHAIRMAN. The reason I am asking that question is this: I have asked them to let those 400 skins remain intact.

Mr. PATTON. I understand that Mr. Elliott makes the claim that all skins that were taken up there were too heavily blubbered.

Mr. ELLIOTT. Oh, no; most all of the little skins.

Mr. McGUIRE. But here is the point: Mr. Elliott has just now stated in his testimony that those 400 skins represented the killing of the day before he reached the islands, and that they were killed and skinned in the usual way.

Mr. ELLIOTT. Yes.

Mr. McGUIRE. With the usual amount of blubber?

Mr. ELLIOTT. Yes.

The CHAIRMAN. These 400?

Mr. McGUIRE. And those 400 represented one day's kill?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Now, then, if all the other skins were like these 400, then all the others were like those handled by Funston Bros. & Co.?

Mr. ELLIOTT. Yes; that is a fair presumption.

The CHAIRMAN. No, but the thing I want to know is whether they themselves opened those skins?

Mr. ELLIOTT. No; they have not.

The CHAIRMAN. Whether they have opened those cask skins or whatever you call them, and examined these 400 skins?

Mr. ELLIOTT. I want to answer him right there, because I can clear this up in a minute.

The CHAIRMAN. One moment.

Mr. PATTON. The contention of Mr. Elliott has been all along that all the skins have blubbered too heavily.

Mr. ELLIOTT. No; I have not said that. I said "only the little skins," or the "small pups."

Mr. STEPHENS. Well, the notes will show.

Mr. ELLIOTT. I want to answer that question.

The CHAIRMAN. One moment, Mr. Elliott; will you wait until he gets through.

Mr. ELLIOTT. Well, I will wait.

The CHAIRMAN. The reason I speak about that is this: I have sent word to and conferred with the Secretary of Commerce and I have been assured that those 400 skins will not be touched or opened by anybody until the committee gets through, except by Government officials, and I want to know if Funsten Bros. & Co. have done that. Do you know that they did anything with those 400 skins?

Mr. STEPHENS. I would suggest that the chairman send a telegram.

Mr. McGUIRE. In reply to the statement of the chair I will say that personally I know absolutely nothing about the 400 skins in question. All I know is what I have learned here in the course of the testimony of Mr. Elliott and perhaps other witnesses. I have ascertained that Funsten Bros. & Co. had been secured by the Department of Commerce to sell for the Government the skins taken on the Pribilof Islands in 1913, and as a result of that information, yesterday, March 13, I sent a telegram making inquiry and received in reply the telegram which I have just read.

Mr. STEPHENS. Can you give us the language of the telegram you sent them?

Mr. McGUIRE. No; not right now; but if you desire I can put it in the record later, for the reason that I dictated it to my stenographer and he has it in his shorthand, I think, and I will get it.

The CHAIRMAN. Now, I think you should ask them whether they examined those 400 skins. That is what I would like to know, because I know that they have positive instructions that nobody should touch them except our own officials, and unless we ascertain that fact we ought not to get those skins mixed up with the other skins.

Mr. McGUIRE. Well, I secured in this telegram such information as I called for without any reference to the 400 skins. If any person wants further information with respect to the 400 skins for the benefit of the committee I should think that it would be well for him to make inquiry or to let the committee take such formal action as it deems proper. I sent for this information for the reason that it had been stated by Mr. Elliott that all skins on the islands taken for a number of years, that is, the smaller skins —

Mr. ELLIOTT (interposing). That is right—the "small skins."

Mr. McGUIRE (continuing). Carried too much blubber.

Mr. ELLIOTT. That is right.

Mr. McGUIRE. And I wanted to ascertain what information the company has in respect of that matter, and I have given it to the committee for the benefit of the committee.

Mr. ELLIOTT. Now, might I answer that statement?

The CHAIRMAN. The reason I ask is this: I want to know and will know whether they have disobeyed the instructions from the department or from the committee.

Mr. McGUIRE. That is purely a matter for the department and not for me. If the department has secured incompetent officials to look out for its business, that is not my fault.

The CHAIRMAN. I do not mean it as a reflection on you.

Mr. ELLIOTT. Now, I will throw some light on that.

Mr. McGUIRE. I am not asking you for information.

The CHAIRMAN. You may explain about that telegram.

Mr. ELLIOTT. He complains, in truth, there that the skins are too closely skinned; that they have not got a sufficient amount of blubber on them; but he does not tell the committee that only the large skins are so clean skinned; but that has been the rule right along, to skin the big skins down fine and "clean," and "load up" the little skins with blubber so that they will weigh the same.

Mr. PATTON. That is your supposition.

Mr. ELLIOTT. I have the example of the 400 skins to govern my supposition. These 400 skins will support my statement; I know the skins will speak for themselves. We might as well pass on from that point. The skins will speak for themselves, and that is an end of it. I have identified them, and the identification is complete. It is certified to by the Department of Commerce and by this committee.

Mr. McGUIRE. You say that Funsten Bros. & Co., who sent me that telegram, mean that the large skins——

Mr. ELLIOTT (interposing). Yes.

Mr. McGUIRE (continuing). Did not have enough blubber?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. You believe that?

Mr. ELLIOTT. Yes, sir; that is what they meant.

Mr. McGUIRE. In the rest of the telegram they state the other skins have just enough blubber. You believe that also, do you not?

Mr. ELLIOTT. I do not know anything about the rest of the telegram. I am only speaking about the large skins, and that is their complaint, and I say that is right.

Mr. McGUIRE. They state that there is not enough blubber on any of them.

Mr. ELLIOTT. I do not believe that.

Mr. McGUIRE. But you do believe that the large skins did not have enough?

Mr. ELLIOTT. I believe they had enough; I will say that.

Mr. McGUIRE. You believe in one instance one way and in another instance another way?

Mr. ELLIOTT. I have given you my opinion. You have their opinion. This dealer has the right to his opinion as much as I have. I have, however, abundant reasons for believing as I do, and abundant proof of my statement.

Mr. STEPHENS. I think I should call the attention of the committee to the fact that the telegram speaks of the December shipment and no other shipment.

Mr. PATTON. That is right.

Mr. STEPHENS. As I understand it, all this controversy was last summer?

Mr. ELLIOTT. We have those skins all right; they have not been disposed of.

Mr. PATTON. That is the first sale they had in the United States.

Mr. ELLIOTT. Then there is another thing about that Funsten sale. There is no classification of them.

Mr. STEPHENS. Another question would be whether they were skinned under the same circumstances and by the same men?

Kr. ELLIOTT. Oh, yes; the same natives.

Mr. PATTON. Well, these were brought in and sold in December?

Mr. STEPHENS. The same skins?

Mr. PATTON. Yes.

Mr. ELLIOTT. No; not these 400 skins.

Mr. PATTON. I am not saying anything about the 400 skins. I am talking about the balance of the skins. If the department has said that the 400 skins should not be touched, I do not suppose they have been?

Mr. ELLIOTT. There were no skins taken in 1913 up to July 29, except these 400 that I know of.

Mr. PATTON. That is all that were taken for food and anything else?

Mr. ELLIOTT. Yes; as far as I knew up to my departure from St. Paul July 29, last.

Mr. PATTON. And then these other skins were taken for food. That is the only sale we have had.

Mr. ELLIOTT. Yes.

Mr. PATTON. I do not suppose they touched the 400?

Mr. ELLIOTT. No; they have not.

The CHAIRMAN. I have their assurance that they would not touch them at all. That was the object of my inquiry.

Mr. PATTON. This has reference to what they sold; the 1912 kill is what they sold.

Mr. ELLIOTT. Yes, those food skins were taken in October and November, 1912. We have taken some since, during last October and November, but they have not got down and will not until next August.

Mr. PATTON. They have not been sold?

Mr. ELLIOTT. No.

(Thereupon, at 11.45 a. m., the committee adjourned until Tuesday, March 17, 1914, at 10 o'clock a. m.)

COMMITTEE ON EXPENDITURES IN  
THE DEPARTMENT OF COMMERCE,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., March 17, 1914.*

The committee met at 10 o'clock, a. m., Hon. John H. Rothermel (chairman) presiding.

There were also present Mr. Stephens, Mr. Bruckner, and Mr. McGuire.

Mr. MCGUIRE. I have been requested by the chairman of the committee to furnish a copy of the telegram which I sent to Funsten Bros. & Co., at St. Louis, and I have here a carbon copy of the telegram.

WASHINGTON, D. C., *March 13, 1914*

FUNSTEN BROS. & Co., *St. Louis, Mo.:*

Will you kindly wire me, collect. for official use the condition of Alaska sealskins sold by you last December—condition of skins with respect to whether they were properly skinned, blubbered, salted, and bundled for shipment? Wire Bird McGuire, House of Representatives, Washington.

BIRD MCGUIRE.

The CHAIRMAN. I want to ask Mr. Elliott whether he has any explanation to make as to this point?

Mr. ELLIOTT. I have. Mr. Chairman, just before the committee recessed last Saturday, 14th instant, over to this meeting to-day, Mr. McGuire read into the record of this testimony the following telegram, which he had solicited, to wit—am I correct in that? Did you not say you asked for it, Mr. McGuire?

Mr. MCGUIRE. As a result of a telegram which I sent.

Mr. ELLIOTT. Yes; in other words, you asked him to send it?

Mr. MCGUIRE. A telegram requesting the information. I did not solicit this telegram. I solicited information.

Mr. ELLIOTT. I do not want to make a misstatement, but I got the impression you solicited this telegram.

Mr. MCGUIRE. I solicited information on that point.

Mr. ELLIOTT. Yes; that is right.

ST. LOUIS, Mo., *March 13, 1914.*

Hon. BIRD S. MCGUIRE,

*House of Representatives, Washington, D. C.:*

Telegram received. Alaska sealskins handled by us for United States Government last December did not have enough blubber left on the skins. This was the only criticism made by the buyers in connection with the shipment and sale. They were otherwise properly skinned, properly salted, and bundled for shipment.

FUNSTEN BROS. & Co.

That the above-quoted telegram was deliberately prepared and sent to deceive Mr. McGuire is self-confessed by the sender in the following report, which Funsten Bros. & Co. gave to the fur trade of the United States under date of December 16, 1913, to wit:

#### THE ST. LOUIS SALE.

The first public auction sale of the United States Government's Alaska fur seals, blue and white foxes, ever held in the United States took place December 16 in the Funsten Fur Exchange, 115-117 South Second Street, St. Louis.

There were 260 buyers present from all parts of the world to attend this sale. The buying was spirited throughout and the purchasers were prominent firms throughout the trade of America and Europe. The selling brokers were Messrs. Foulke & Ahern.

#### FUNSTEN BROS. & CO.'S REPORT.

ST. LOUIS, Mo., *December 16, 1913.*

DEAR SIRs: We take pleasure in submitting the following report of our sale of the United States Government's fur seals, blue and white foxes, which were sold by us at public auction in the Funsten Fur Exchange at St. Louis, Tuesday, December 16: "The Alsaka fur seals sold 5 per cent higher than the London last October basis. If the increased 10 per cent duty on dressed and dyed skins imported into the United States were taken into consideration, the result would be 15 per cent higher than the London last October basis, or 10 per cent below last London January sale of Alaskan seals."

The above report of Funsten Bros. & Co. to the fur traders and buyers of the United States is published in the *Fur Trade Review*, New York, January 1, 1914, page 69.

Is there a word in it which suggests that telegram to Mr. McGuire as sent by Funsten Bros. & Co. March 13, 1914, and read into this record?

Is there a word in it which tells the traders and fur buyers the reason why these skins sold lower December 16, 1913, by 10 per cent than the same sort of seal skins sold in London on January 17, 1914?

No. Why? Because the truth hurt certain parties with whom Funsten Bros. & Co. had very close relations—the truth hurt certain Government officials who had been busy with them as early as 1910 in getting this sale of Alaska fur-seal skins made by them in St. Louis. That this telegram was deliberately prepared and sent to Mr. McGuire by Funsten Bros. & Co. March 13, 1914, to deceive him, or deceive this committee, the following proof of its being a false statement is submitted.

When Funsten Bros. & Co. sold these skins as cited to Mr. McGuire, in that telegram above quoted, December 16, 1913, the sale was attended by representatives of the leading authoritative fur-trade journals; these have all duly published their record of its progress and result. That Funsten Bros. & Co. have falsified that record of this sale to Mr. McGuire, the following evidence of the fact is found authoritatively published February 1, 1914, and never disputed by anyone up to date, to wit: On page 182, *Fur News Magazine*, New York, February, 1914, is the following, to wit:

The kill (not catch) of fur seals in 1913, as evidenced by the catalogue at St. Louis sale, shows an extreme number of "low" and "cut" skins. This condition we consider wholly unnecessary, as the seals were killed primarily for food and there was no pressing need of hurry or lack of time to make proper selection with reference to the fur, which was of more value and importance than the meat.

At the sale of fur-seal skins in St. Louis, December 16, 1913, the skins taken by the Government, the offering comprised 1,898 skins, of which 680 graded as "low" and "cut," or within a fraction of 36 per cent.

At the sale of fur-seal skins in December, 1908, when the skins were taken by the North American Commercial Co., the catch comprised 14,965 skins, of which 2,456 graded as "low" and "cut," or a little less than 16½ per cent.

Mr. STEPHENS. On that point, what do you mean by "low" and "cut"?

Mr. ELLIOTT. I am coming to that. I am going to explain that. I will bring that all out in this statement. I anticipated your question.

Mr. STEPHENS. All right.

Mr. ELLIOTT. Here is the complete, authentic record of that "criticism"—all the "criticism" which the buyers made at that sale.

Is there a hint here in its text, so authoritatively published February 1, last, or a word that complains of those skins as not having "enough blubber left" on them?

No; not a word. But they are criticized by the buyers for the trade, because they were "cut," "low," and so faulty.

Why were they "cut"? Because all of the larger sized skins were so "clean skinned" of blubber that in that close cutting off of this blubber, the knives of the natives slip now and then, and "cut" into the skin, the true skin, the cutis vera.

Why were they also rated "low"? Because of the larger number of small sized skins than the average of such a catch of 1,898 pelts should have: that is, the proportion of yearling skins was too large for the right average of such a small catch of 1,898 skins as compared with that average in the last 20 years.

Therefore, Funsten Bros. & Co.'s telegram, in which they declare that the "only criticism" found with the 1912 catch of 1,989 skins sold by them, was that "not enough blubber" was "left on those skins," is a deliberate falsification of the published record of fact in the premises and as I have quoted that publication to this committee.



It is, furthermore, plainly so falsified by those dealers to meet the demands of certain parties who have been busy since 1896 in falsifying the real facts as to grades or sizes of seals killed since 1896, up to date, in violation of law and regulations; and it also is apparent that this dealer's telegram has been inspired by those parties, and has been improperly, though innocently, placed before this committee as a reputable statement of facts.

For the information of this committee I wish to state that:

First, a "cut" skin is one which the knife of the native skinner has cut into when flensing the blubber from it as he takes it from the carcass.

When a skin is "clean skinned" and not "loaded" with blubber, the native must use greater care and skill when removing it from the body of the seal. If he is inattentive or unskilled, then often the keen, razor edge of his knife will slice off a paring or "welt" of the true skin. This welt, or "cut," if it does not go through the cutis vera and the epidermis, will, at least, make the work of the dresser who unhairs this skin when given to him, more difficult; for he has to guard against losing the fur over that cut (shave, or welt) in the skin when he prepares the same for unhairing and dyeing. That adds to the cost of dressing which otherwise would not be done. I have found that this added cost for dressing when cut is rated at about 10 per cent of the first cost of a good skin. For instance, if a prime skin is worth \$40 at the sales without any blemish, then, if that same skin were "cut," it would be rated as such, and bring only \$35, or, in other words, it has depreciated \$5 in value.

The term "low" is used in two senses. First, a "low" skin is one which, although properly classed as to size—that is, length and girth—has signs of pink "lips," or raw edges and spots on the same; not only on its outer edges, but on the edges of the two fore flipper holes in the skin, and other defects, perhaps. Such a skin is much harder to dress properly and evenly, than a "cut" skin, since every raw or "pink lip" edge, has made that portion of the skin very difficult to unhair without taking all the fur with it. That calls for a greater length of time in which the most skillful dresser can properly dress it. So when, for instance, a prime, or "small," or three-year-old skin is rated at, say, \$55 or \$60, without any blemish, if it is found "low," and so tagged, it will suffer a loss of nearly 50 per cent from its prime value, or will bring but \$30 or \$35.

The next use of the word "low" comes in this way: A "low grade" for the entire catch as sold at the time, and so reported, and published to the trade by the agents of that trade, means that the proportion of little skins for the whole catch is much larger than it ought to be; and that that excess of little skins in the sum total of skins sold has reduced the average price per skins for the whole catch to the figures quoted.

The relative amount of blubber which is upon the skins has never been of the least concern to the buyers. They do not and never have asked for more or less blubber on the skins. It is not necessary to have any if the skin is properly salted. It is, however, generally agreed that a skin with a coating of blubber is easier to remove rapidly from the seal's body without danger of cutting than one which is clean skinned, even by the most expert of skimmers. Therefore it

has been the habit ever since I first studied this question in 1872-1874, on the Pribilof killing grounds, for the natives to be allowed to take off the skins with a film of blubber varying in thickness from one-tenth to one-eighth of an inch between their knives and the skin proper. Thus this object of having more or less blubber adherent to the skin is, first, to prevent the risk of accidental cutting in the rush and fatigue of a heavy day's work; and, second, it serves a useful purpose also in preventing the skins from drying out too rapidly when exhibited for sale.

The CHAIRMAN. Mr. Elliott, it seems to me you have practically gone over this part of your statement before.

Mr. ELLIOTT. No; I have never gone over this. This is the first time I have defined this to the committee.

The CHAIRMAN. My idea was that you should merely answer this telegram.

Mr. ELLIOTT. I am. I am showing that it is false, and giving the reasons why I have made that charge of falsehood to the committee, so there can be no misunderstanding.

The CHAIRMAN. Do the papers you have before you refer to your explanation?

Mr. ELLIOTT. These papers cover this whole subject. I want to end it at once, and for all, now, as far as I am concerned, so there will be no doubt in any one's mind as to what a "low" skin or a "cut" skin, or a "blubber" skin is. I think it ought to go in; but, the place to put it in is immaterial.

The CHAIRMAN. It is immaterial to me, but I thought perhaps you could give more of a direct answer at this time.

Mr. ELLIOTT. This is a direct answer to the falsification of the trade journal by Funsten Brothers in their telegram. I think it is important and necessary it should go right in here, now, in order to make that man stand up and face these facts.

The CHAIRMAN. Very well, unless there is some objection.

Mr. ELLIOTT. Because he has imposed upon a member of this committee, and I think it only fair that he should be answered. I do not believe you ever had any idea——

Mr. McGUIRE (interposing). I am the party to whom the telegram was sent.

Mr. ELLIOTT. Yes.

Mr. McGUIRE. And in no respect have I been imposed upon.

Mr. ELLIOTT. I feel that this is an untrue statement.

Mr. McGUIRE. That may be, but do not say that I have been imposed upon.

Mr. ELLIOTT. You would not put it in if you knew that were so. I know you wouldn't, and therefore to make it clear I think it is important that my whole statement should go in now and let these gentlemen see exactly what Mr. Funsten and his people have done.

The CHAIRMAN. Well, unless there is some objection, proceed.

Mr. ELLIOTT. I am perfectly willing to wait later, but I think it would be better to put it in right now.

The CHAIRMAN. Proceed.

Mr. ELLIOTT. To prevent danger of cutting the skins is the real object and service of "blubbering" the pelts. No amount of blubber on the skin adds 1 cent to its value. A properly salted "clean"

skin brings just as much as a properly salted "blubbered" skin, and vice versa.

This telegram of March 13, 1914, to Mr. McGuire is not the first appearance of Funsten Bros. & Co. as being busy in trying to deceive Congressmen.

On the 4th of January, 1912, Hon. Richard Bartholdt, during a session of the House Committee on Foreign Affairs, said——

Mr. STEPHENS (interposing). Is that in a printed hearing?

Mr. ELLIOTT. Yes. See page 147, hearings on H. R. 16571, January 3 and 4, 1912, House Committee on Foreign Affairs, to wit:

I desire to submit a statement prepared by an expert in the employ of Funsten Bros. which I would like to have incorporated in the record. The scientific opinions expressed in this statement coincide exactly with those presented by Mr. Lembkey and Dr. Evermann.

This statement which Mr. Bartholdt describes, immediately follows his introduction, as above, on pages 147, 148, 149, 150 of that hearing.

It bears the earmarks of having been sketched out by Lembkey and Evermann. On every page printed it carries the same untruths and makes the same claims to kill seals on the basis of those untruths. In short, it is a gross travesty on the facts, just as Lembkey and Evermann have put it into the records of this committee; and, just as Mr. Bartholdt says, it agrees precisely with their opinions.

It shows, however, not only the apparent immediate connection between Lembkey and Evermann in stimulating the sending of this deceitful and false telegram to Mr. McGuire, on March 13, as quoted above, but it points to the Hon. Charles Nagel, too, for this expert of Funsten Bros. has the following to say on page 148, to wit:

Secretary Nagel has made a personal study of seal life and great credit is due him and his department for the intelligent, fearless, and correct work that has been done in handling the killing of seals.

On the occasion of the submission of the above statement of this "expert" of Funsten Bros. to the committee, by Mr. Bartholdt, January 4, 1912, Lembkey and Evermann had been busy January 3 and 4, 1912, in telling the committee what an outrage upon the fur-seal herd would be committed if a close time of even five years was ordered for it—"that thousands of young seals" would be "trampled under foot and their mothers torn to pieces by the bulls" in the mad struggles "that would ensue between those bulls for control of the harems."

On the 20th of January following, in an executive session of this House Committee on Foreign Affairs, between 4 o'clock p. m. and 7 p. m., Charles Nagel, Secretary of Commerce, appeared and gave his full indorsement to this biological falsehood of his own agent's invention; he, too, had "personal knowledge" of it, he said; he "had been on the islands," "observed the seals," and "talked with the natives."

Mr. Charles Nagel was on the islands just four hours in August, 1911, and there then for the first time in his life, and has never been there since.

Furthermore, on page 149, this expert of Funsten Bros. has this to say:

Secretary Nagel himself is a great believer in protecting American commerce, and it is known that his views are favorable to a policy of having the sealskins sold in an American market by an American house, in preference to consigning them to an English house in an English market.

Now, perhaps, Mr. Charles Nagel, fellow townsman of Funsten Bros., St. Louis, has been consulted, too, with Lembkey and Evermann, by the Funsten Bros. aforesaid; perhaps he has helped them to prepare that telegram which the Hon. Bird S. McGuire has read into the record of this committee Saturday, March 14, last. Having that "personal knowledge and study," which Funsten Bros. credit him with, he would be a most competent adviser for the fur dealer's deceitful telegram, if they called him in. Why should they not consult such an "authority"?

I find that these gentlemen, Messrs. Foulke and Johnson, of St. Louis, of the Funsten Bros. & Co., were busy here in this city, Washington, September 27, with Fish Commissioner Bowers and with Secretary of Commerce and Labor Nagel.

Mr. STEPHENS. What year?

Mr. ELLIOTT. 1910. Here is a dispatch to the St. Louis Globe Democrat, dated "Washington, September 28":

John D. Johnson and P. B. Foulke, of St. Louis, are in Washington in an endeavor to bring to St. Louis the fur-seal business of the Government, which now has entire charge of that important industry.

That is the same "expert" Mr. Foulke who prepared the telegram which Mr. McGuire has read.

The Missourians called at the Department of Commerce and Labor late this afternoon with Fish Commissioner Bowers, and the three talked over the subject with Secretary Nagel.

The seal catch this year is estimated to be worth half a million dollars to the Government. Arrangements had already been made, however, for shipping the skins to London, and they are now en route, probably having reached New York.

It appears that the sole reason London has for many years controlled the seal market is that the British tanners and dyers have the only effective process for dyeing the sealskins and extracting the hair which grows among the fine fur. The St. Louisians, in submitting their proposition, stated that an Englishman was about to establish a plant at St. Louis which would handle the business if it could be kept in this country.

Now I have finished my statement.

Mr. MCGUIRE. Who employed Funsten Bros. & Co. to sell these sealskins?

Mr. ELLIOTT. I do not know. They are evidently employed by the Government or they would not have done it. The Fish Commissioner can tell you that.

Mr. MCGUIRE. When were they sold?

Mr. ELLIOTT. They were sold December 16 last.

Mr. MCGUIRE. December 16, 1913?

Mr. ELLIOTT. Yes; last.

Mr. MCGUIRE. They must have been employed, then, after March 4, 1913?

Mr. ELLIOTT. I do not know a thing about it. I never looked into it. I have not the faintest idea. Until you read that telegram, I never gave it the least concern.

Mr. MCGUIRE. Now, Mr. Chairman, I have been requested by the committee to produce the original of a purported copy which I offered the other day of an examination of Mr. Elliott in a hearing before the Committee on Ways and Means, March 28, 1884, page 36 of the hearings. I have here the original of that hearing before the Ways and Means Committee.

The CHAIRMAN. You might let Mr. Elliott look at the parts referred to.

Mr. MCGUIRE. Certainly [handing book to Mr. Elliott].

Mr. ELLIOTT. I see that statement in this publication here. I never saw it before. This is the first time in my life I have ever seen it.

The CHAIRMAN. Is that your explanation?

Mr. ELLIOTT. That is my explanation. I do not deny that publication.

Mr. McGUIRE. That is all.

Mr. ELLIOTT. I do not deny that publication; but, I have never seen it until now, and have never seen those notes before.

Mr. McGUIRE. I was also requested to furnish the original of a purported copy from which I read, hearing before Committee on Merchant Marine and Fisheries, January 8, 1888, page 146. I have here the original.

Mr. ELLIOTT. I do not question that. I did not yesterday. I am familiar with that. I have seen all that and moreover I revised my notes on that. The notes of that hearing were given to me, and I revised them. Chairman Dunn allowed me to do that in his office. This other set of "notes" I never saw before.

Mr. McGUIRE. I believe you said the diminishing of the seal herd in Alaska was caused by land and not by pelagic sealing.

Mr. ELLIOTT. Yes, I said in 1890, that the prime evil was the land killing, ably seconded by the pelagic hunters. I wanted both abolished.

Mr. McGUIRE. In 1890?

Mr. ELLIOTT. Yes; that was the first time I ever brought in this question of extermination of the herd, in my report of 1890.

Mr. McGUIRE. Since 1890 and up to the time of the discontinuance of pelagic sealing—

Mr. ELLIOTT (interposing). I have held the same views I expressed in 1890.

Mr. McGUIRE. What are those views, briefly.

Mr. ELLIOTT. That the primary cause of destruction of the herd was the land killing; the primary cause. I have stated it here in my report to Secretary Windom, November 19, 1874.

Mr. McGUIRE. That is the way I understood you.

Mr. ELLIOTT. Yes, sir; you are entirely right; primarily, first, land killing; second, pelagic hunting.

Mr. McGUIRE. You offered some testimony before the Committee on Merchant Marine and Fisheries, June 8, 1888?

Mr. ELLIOTT. Oh, yes.

Mr. McGUIRE. At page 140.

Mr. ELLIOTT. Yes; I do not question anything you read from that, Mr. McGuire.

Mr. McGUIRE. This question was asked you: "Do you think that protection in the waters away from the islands essential to the protection of the herd in the rookeries?"

Your answer was:

I think the indiscriminate hunting of seals in open waters of Bering Sea would result in the extermination of these rookeries in anywhere from two to three year.

Do you remember when you made that answer?

Mr. ELLIOTT. I remember it distinctly.

Mr. McGUIRE. This question was asked you:

In spite of all the care we could take?

A. That would not have the slightest effect.

This question was then asked you:

You think simply making a reservation of the islands upon which the rookeries exist and keeping other than authorized people away would not be sufficient protection?

A. It certainly would not be, and I can explain why. It is fair to assume that very few of our people clearly understand what peculiar advantages a fur-sealing schooner and her crew would enjoy in Bering Sea for the successful prosecution of their errand, if unchecked. In order that the full significance and importance of that action of our Government which arrests or restrains the pelagic sealer within those waters may be perceived, I offer the following epitome. It is well understood and unquestioned by those familiar with the subject:

(1) That the fur seal of Alaska is obliged to annually haul out upon the Pribilof Islands for the purpose of breeding and shedding its coat.

(2) That from the time of its departure from these islands in the fall of every year up to that moment of its return to them the following spring it lands nowhere else.

(3) That it arrives en masse on these islands in June and July and departs from them in a body during October and November.

(4) That when leaving the islands in the autumn it heads directly for and rapidly travels out from Bering Sea into the waters of the north Pacific Ocean; its paths are bee lines from the Pribilof group to and through the numerous passes of the Aleutian Archipelago, the passes of Oonimak, Akootan, Oonalga, Oomnak, and the four mountains being the most favored by it.

(5) That it returns to the Pribilof Islands from the broad wastes of the north Pacific Ocean by these paths of departure.

Therefore, if you will glance at a map of Alaska you will observe that the convergence of those watery paths of the fur seal as it traverses Bering Sea, going to and from the seal islands, resembles the spread of the spokes of a half wheel; the Aleutian chain forms the felly, while the hub into which the spokes enter and meet is the small Pribilof group.

Mr. ELLIOTT. Very true.

Mr. McGUIRE. You state further:

Hence, it will be noted that as these watery paths of the fur seal converge in Bering Sea, they, in so doing, rapidly and solidly mass together thousands and tens of thousands of widely scattered animals at points 10, 50, and even 100 miles distant at sea from their landing on the breeding rookeries.

Here, then, is the location and opportunity of the pelagic sealer, anywhere from 10 to 100 miles south of and distant from the seal islands. There is his chance to lay at anchor over the shallow bed of Bering Sea, where he has the most "holding ground" known to mariners, and where he can safely ride out the wildest gales, with no danger of a lee shore, even if his tackle breaks, while on the other hand the immediate vicinity of any pass of the Aleutian Chain is too dangerous for a prudent sailor. The tide rips there, the swift currents drift him in dense fogs, and the furious funneling storms of wind and sleet will never permit him to safely hover about these openings.

Mr. ELLIOTT. Very true.

Mr. McGUIRE (reading):

But above them, 50 and 100 miles to the southward of the seal islands, in the watery avenue of the returning fur seals, every June and July and August, he has a fine opportunity to shoot, to spear, and to net them until he shall have attained the full extent of their utter extermination.

Mr. ELLIOTT. That is what I believed in 1888, and do now.

Mr. McGUIRE. You do yet?

Mr. ELLIOTT. Yes; I think they could commercially destroy them yet.

Mr. McGUIRE (reading):

His power to destroy them is also augmented by the fact that these seals which are most liable to meet his eye and aim are the female fur seals, which, heavy with young, are here slowly nearing the land, soundly sleeping at sea by intervals, and reluctant to haul out from the cool embrace of the water upon their breeding grounds until that day, and hour even, arrives, which limits the period of their gestation.

Mr. ELLIOTT. Correct.



Mr. McGUIRE (reading):

The pelagic sealer employs three agencies with which to secure his quarry, viz: He sends out Indians with canoes from his vessel, armed with spears; he uses shot-guns and buckshot, rifles and balls; and last, but most deadly and destructive of all, he can spread the "gill net" in favorable weather.

Mr. ELLIOTT. Yes, sir; that is all right.

Mr. McGUIRE (reading):

With gill nets "underrun" by a fleet of sealers in Bering Sea, across these converging paths of the fur seal, anywhere from 10 to 100 miles southerly from the Pribilof Group. I am moderate in saying that such a fleet could utterly ruin and destroy those fur seal rookeries now present upon the seal islands in less time than three or four short years. Every foot of that watery roadway of fur-seal travel above indicated, if these men were not checked, could and would be traversed by those deadly nets; and a seal coming from or going to the islands would have, under the water and above it, scarcely one chance in ten of safely passing such a cordon.

Mr. ELLIOTT. I believe that.

Mr. McGUIRE (reading):

Open those waters of Bering Sea to unchecked pelagic sealing, then a fleet of hundred of vessels, steamers, ships, schooners, and what not would immediately venture into them, bent upon the most vigorous and indiscriminate slaughter of these fur seals; a few seasons of greediest rapine, then nothing would be left of those wonderful and valuable interests of our Government which are now so handsomely embodied on the seal islands; but which, if guarded and conserved as they are to-day, will last for an indefinite time to come as objects of the highest commercial good and value to the world, and as subjects for the most fascinating biological study.

Shooting fur seals in the open waters of the sea or ocean with the peculiar shot and bullet cartridges used involves an immense waste of seal life. Every seal that is merely wounded, and even if mortally wounded at the moment of shooting, dives and swims away instantly, to perish at some point far distant and to be never again seen by its human enemies; it is ultimately destroyed, but it is lost, in so far as the hunters are concerned. If the seal is shot dead instantly—killed instantly—then it can be picked up in most every case; but not one seal in 10 fired at by the most skillful marine hunters is so shot, and nearly every seal in this 10 will have been wounded, many of them fatally. The irregular tumbling of the water around the seal and the irregular heaving of the hunter's boat, both acting at the same moment entirely independent of each other, make the difficulty of taking an accurate aim exceedingly great and the result of clean killing very slender.

You are the author of that, are you?

Mr. ELLIOTT. Yes, sir; that was a state paper which I first addressed to Secretary Bayard, dated "Smithsonian Institution, December 3, 1887," and I reread it into this record of the Committee on the Merchant Marine and Fisheries in 1888. In that I wanted to express the danger to these rookeries (two years before I went up there in 1890), the full appreciation of the danger which pelagic sealing had to the commercial value of these rookeries, that they could destroy that value in a few years, and I still repeat that. That is very different from the extermination of the species which I was facing in 1890 on the islands by land killing by the lessees—very far from it.

The CHAIRMAN. Just in this connection, may I ask a question?

Mr. McGUIRE. Yes.

The CHAIRMAN. When did pelagic sealing really commence?

Mr. ELLIOTT. In 1886 as an industry of note, and in 1887 I prepared that letter forecasting, foreseeing, the whole ultimate end of it, unless it was checked; that is, the ruin of the commercial value of the herd.

The CHAIRMAN. I thought there was some testimony to the effect that the pelagic sealing commenced in 1886?

Mr. ELLIOTT. No; they began in 1874, in a small way.



Mr. McGUIRE. As to the destructiveness of pelagic sealing, I believe you state you have not changed your mind?

Mr. ELLIOTT. Not at all.

Mr. McGUIRE. And it was about that time that you testified——

Mr. ELLIOTT (interposing). I am against pelagic sealing. I was one of the first opponents.

Mr. McGUIRE (continuing). That it would not be safe for the Government to handle those islands.

Mr. ELLIOTT. I did not then know any better. I was sixteen years away from the islands, and did not understand what changes had been brought about, until I got up there in 1890.

Mr. McGUIRE. And it was about that time you received about \$7,000 or more from those companies?

Mr. ELLIOTT. Years afterwards.

Mr. McGUIRE. I say, after that?

Mr. ELLIOTT. Yes, sir.

Mr. McGUIRE. Before this company gave up its lease?

Mr. ELLIOTT. Yes, sir; and I turned the company down after they gave me money. I reversed their own desires.

Mr. McGUIRE. After they paid you, or after they quit paying you?

Mr. ELLIOTT. Before they paid me, I turned them down.

The CHAIRMAN. Mr. Elliott, in that connection I would like you to make a statement as to whether you are employed by anybody now, or have been in years past.

Mr. ELLIOTT. I have no idea of it. I have no idea of being employed by anybody now.

The CHAIRMAN. Do you know anything about a pelagic sealers' lobby?

Mr. ELLIOTT. Until that telegram of Jordan's appeared I never heard of such a thing. I was astonished and, at first, indignant, and when I found what it meant I became very, very indignant at the idea of my representing——

Mr. McGUIRE. The hearings here have Mr. Elliott recorded as the employee and representative of this sealing company.

The CHAIRMAN. Of the Alaska Commercial Co.?

Mr. McGUIRE. That is the way he is recorded in the hearings.

The CHAIRMAN. I meant whether he had any interest now.

Mr. McGUIRE. Oh, I see.

Mr. ELLIOTT. Those "hearings" I never saw. I never saw the "notes," and I deny them as fictitious and padded.

Mr. McGUIRE. By the way, in order that we may know something of the reputation of the men on that committee, as to whether they would misrepresent anybody, I should like to read the names.

Mr. ELLIOTT. Did they represent me——

Mr. McGUIRE (interposing). I said misrepresent. Here are the names of the committee present: The chairman, Mr. Morrison, Mr. Mills, Mr. Blount, Mr. Blackburn, Mr. Hewitt, Mr. Herbert, Mr. Loud, Mr. Jones, Mr. McKinley, and Mr. Hitchcock. Those were the members of the committee.

Mr. McGUIRE. I have here the National Geographic Magazine, of December, 1911, in which appears this paragraph:

If not a single male seal were to be killed on the islands or at sea during the next five years, not a single additional seal would be produced as a result of that course. If not a single male seal were to be killed on the islands or at sea during the next 20

years, not a single seal would be added to the herd that will not be added if the present policy of restricted killing of surplus males is continued.

Do you agree with that statement?

Mr. ELLIOTT. Whose statement is that?

Mr. McGUIRE. Do you want to wait until you know who makes it before you state whether you agree with it or not?

Mr. ELLIOTT. I want to know who is responsible for that statement.

Mr. McGUIRE. I will state that the present head of the Fisheries Bureau made that statement in the National Geographic Magazine, December, 1911.

The CHAIRMAN. You mean the present Fish Commissioner?

Mr. McGUIRE. Yes. Do you agree with that statement?

Mr. ELLIOTT. No; I do not.

Mr. McGUIRE. Now, then, Mr. Elliott, do you know Amos Allen?

Mr. ELLIOTT. No; that is a great joke.

Mr. McGUIRE. I am inclined to think so myself.

Mr. ELLIOTT. I first saw all those letters in Mr. Redfield's hands April 26, 1913. He had them in his hands and crushed them up and threw them—well, I won't say where, but he thought they were rubbish.

The CHAIRMAN. Now, you were asked whether you knew Mr. Allen; what is your answer?

Mr. ELLIOTT. I will say no.

Mr. McGUIRE. Did you ever have any conversation with him?

Mr. ELLIOTT. That is a man that was over there at the house——

Mr. McGUIRE (interposing). Is that where you live?

Mr. ELLIOTT. I had a room there. It was a rooming house—a lot of men there, coming and going all the time.

Mr. McGUIRE. Who kept that boarding house?

Mr. ELLIOTT. Mrs. McCork.

Mr. McGUIRE. Do you know where she is now?

Mr. ELLIOTT. I do not know just now. They have torn the house down, but you can find out in the directory.

Mr. McGUIRE. I will ask you to look at this handwriting [handing letter to Mr. Elliott]. Do you recognize that writing?

Mr. ELLIOTT. This is one of the letters Mr. Redfield showed me. It is not mine.

Mr. McGUIRE. It is not your handwriting?

Mr. ELLIOTT. It is not.

Mr. McGUIRE. Do you know whose it is?

Mr. ELLIOTT. No; unless it is Allen's—as he signs it.

The CHAIRMAN. Is it supposed that it is the witness's handwriting?

Mr. McGUIRE. How is that?

The CHAIRMAN. Let me look at it.

(Mr. McGuire hands paper to chairman.)

Mr. ELLIOTT. You ought to read some of those letters.

Mr. McGUIRE. I have read them all. I will ask you, Mr. Elliott, if you wrote a letter to Mr. Roy C. Andrews, Assistant Curator of Mammals, Museum of Natural History of New York, Thursday, December 19, 1912?

Mr. ELLIOTT. I have never written him but one letter, and I guess he will never forget it. If you will read the letter, I can tell you.

Mr. McGUIRE. You did write him, then?

Mr. ELLIOTT. Oh, yes. He was a perfect stranger to me, and is now.

Mr. McGUIRE. I will read it (reading):

WASHINGTON, D. C., *Thursday, December 19, 1912.*

Mr. ROY C. ANDREWS,  
*Assistant Curator of Mammals,  
 American Museum of Natural History,  
 New York City.*

DEAR SIR: Your letter to Mr. Allen has just been referred to me and as it is not marked "Personal" its of course for any public use which its recipient elects.

I don't know much about whales myself, or about you, but I do know enough to know that a man who can write as much untruth as you have, in so few words as you have in this letter of the 18th instant to Amos Allen, is not a man mentally or morally fit to appear before any tribunal of sensible men and pose as an authority on any subject, not even whales.

And I further assert that if you ever do so appear you will come out as cheap and mean as your associates Lucas and Townsend came out of this committee above cited.

You are my enemy and

I am yours,

HENRY W. ELLIOTT.

Did you write that letter?

Mr. ELLIOTT. I did, you bet you! Now read the letter he wrote to "Amos Allen."

Mr. McGUIRE. Did you and Amos Allen live at that place at the same time?

Mr. ELLIOTT. I only saw him that one time in the hallway, when he passed me that letter. That is the only time I ever saw him to talk with him.

Mr. McGUIRE. And he handed you that letter?

Mr. ELLIOTT. Yes. He introduced himself to me and said, "Mr. Elliott, I would like to show you a letter I have got."

Mr. McGUIRE. And you never had met him before?

Mr. ELLIOTT. Well, I have seen the man several times. He was about here a good deal.

Mr. McGUIRE. You had not met him at your boarding house before that?

Mr. ELLIOTT. No—it was not a "boarding house." I had a room there, and there were 15 or 20 men coming and going all the time there, day and night. I did not know any of them.

Mr. McGUIRE. So he simply stopped you where?

Mr. ELLIOTT. In the hall, and he asked me to read that letter.

Mr. McGUIRE. And you read it?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. And then you proceeded to answer it for him?

Mr. ELLIOTT. No; I did not answer it for him at all. I gave that fellow a turn for writing such a letter as that to Allen.

The CHAIRMAN. Was it about you?

Mr. ELLIOTT. Yes, sir; reflecting on me. You get the letter, and you will find that I was warranted in giving him that answer. I was indignant. I did not care about his relations with the other fellow. I will tell you who I think this man was. I think he was a game warden, or someone looking into the game laws. I have seen him about here a good many times.

Mr. McGUIRE. Do you know where he is living now?

Mr. ELLIOTT. No.

Mr. McGUIRE. Where did you last see him?

Mr. McGUIRE. Maybe I misunderstood you. I thought you said you had seen him since.

Mr. ELLIOTT. Not to talk with him; not to have any personal conversation with him. I recollect afterwards seeing him at intervals about the lobbies of the Capitol. That is the same bunch of letters that Mr. Redfield had over in the Senate Committee on Fisheries April 26, 1913. He said they were a lot of rubbish.

Mr. McGUIRE. Do you know why he took them there?

Mr. ELLIOTT. I met him there in an executive session of the Senate Fisheries Committee. He had those letters there, and after about 10 minutes spent over them, as you do here, he said they were rubbish, and he dropped them.

Mr. McGUIRE. And you were there?

Mr. ELLIOTT. I was there, invited by the chairman, Senator Thornton, opposing the nomination of Mr. Smith. I met Mr. Smith face to face then and there in a four-hours' executive session with the Senators and Mr. Redfield. I gave them my objections to Mr. Smith, and did so plainly.

Mr. McGUIRE. Did you know that these letters were not delivered to the Department of Commerce until within the last two weeks, when I asked for them, and he sent over to the committee for them?

Mr. ELLIOTT. That is the same bunch that Mr. Redfield had at the meeting on April 26, last year.

Mr. McGUIRE. Do you know when they were obtained from the committee?

Mr. ELLIOTT. No; never until this moment have I known where they were, or thought about it.

Mr. McGUIRE. Were you opposed to the appointment of the present Fish Commissioner?

Mr. ELLIOTT. I was and I am now. I do not believe he is the proper man.

Mr. McGUIRE. Secretary Redfield had these letters before the committee?

Mr. ELLIOTT. Yes; as part of his proposition for Mr. Smith; but he withdrew them, all right.

Mr. McGUIRE. Did you make any objection to the Senate committee to Mr. Smith's confirmation after Mr. Redfield got hold of these letters?

Mr. ELLIOTT. How could I? I agreed to his confirmation in this executive session.

Mr. McGUIRE. You did not agree to stop your fight on Mr. Smith until Secretary Redfield got hold of these letters and filed them with the committee?

Mr. ELLIOTT. He did not "file" them. He said they were rubbish; he withdrew them, I say, and then took up a better line of defense for Smith.

Mr. McGUIRE. How did he withdraw them unless he had first filed them?

Mr. ELLIOTT. I understand that he withdrew them without filing them. He took them before the committee and then did not file them.

Mr. McGUIRE. Then there was nothing to withdraw?

Mr. ELLIOTT. No, sir; he regarded them as rubbish and did not press them.

The CHAIRMAN. Where did you get the letters, Mr. McGuire?

Mr. MoGUIRE. If the chairman remembers the testimony of Mr. Clark, who testified before the committee some time ago, he will remember about these letters. These are the letters with respect to which Mr. Clark testified, the Amos Allen letters; that he had turned them over to Mr. Redfield and that they were now in Mr. Redfield's possession. I first obtained the consent of Mr. Clark to get these letters, and I wrote to Mr. Redfield for them. Their first reply was, I think, that the letters were before the committee, but that they would get them immediately. I have the letter here transmitting these letters, signed, I think, by the chief clerk of the Department of Commerce, stating that they had obtained them at my request. I got them from the Secretary of Commerce.

Mr. ELLIOTT. That is right. He had them and took them away with him or left them, as I did all my papers in opposition to Smith; I left a large number. I withdrew my opposition to Mr. Smith solely on the ground that the secretary stated he would carry out the plans of this House committee; that being pledged to the Senators by Mr. Redfield, I told him I did not care then whom he appointed, and I do not now have any care about it. I said I would rather have Mr. Redfield's word that he would carry out the plans of this committee than to have any man of my own appointment. Then a great deal more passed between the Secretary and myself, and we came to a perfect understanding.

Mr. MoGUIRE. Did you ever write any letters to which you signed the name "Julius"?

Mr. ELLIOTT. No.

Mr. MoGUIRE. You heard the testimony of Mr. Clark before the committee?

Mr. ELLIOTT. Yes.

Mr. MoGUIRE. And the reference he made to the letter written and signed "Julius"?

Mr. ELLIOTT. Yes.

Mr. MoGUIRE. You were not the author of those letters, I believe you stated?

Mr. ELLIOTT. No.

Mr. MoGUIRE. Now, you stated the other day that the reason you weighed those skins, salted them for shipment, and tied them up in 2's and weighed them that way was because that was the way they weighed them when they reached London. Is that right?

Mr. ELLIOTT. Oh, no; that is the way they reach them. When they reached London they were opened out, and weighed in hundreds, not individually.

Mr. MoGUIRE. One hundred at a time?

Mr. ELLIOTT. Yes.

Mr. MoGUIRE. You stated that they were weighed with the salt on them.

Mr. ELLIOTT. Yes.

Mr. MoGUIRE. You stated the other day that the salt was on there?

Mr. ELLIOTT. Oh, yes; there is a good deal of the curing salt on them as they open them out and "book" them for sale in London; nearly all of it.

Mr. MoGUIRE. I have here a letter in reply to a letter from Mr. Lembkey to Mr. Fraser, dated January 28, 1914. I will read it:

OFFICE OF ALFRED FRASER,  
20 Exchange Place, New York, January 29, 1914.

WALTER I. LEMBKEY, Esq.,  
Washington, D. C.

DEAR SIR: Replying to your favor of the 28th inst., I beg to state that Messrs. C. M. Lampson & Co. do not weigh the sealskins until after same have been sorted, consequently the bundles are opened without any record being kept as to their weight.

You will, of course, understand that during the process of sorting, sizing, etc., almost all of the salt is shaken from the skins, so that very little of same adheres to the skins when they are weighed.

The weight of each skin is not taken separately, but the different sizes are weighed in lots of 50 and averaged.

Yours, truly,

ALFRED FRASER.

Mr. ELLIOTT. That is entirely correct, and not different materially, from what I have stated. And I only got it, as I said, the other day, from a gentleman who attended those sales, and whom I named in my testimony.

Mr. McGUIRE. Now, you stated in your testimony that you never sought employment from the Government.

Mr. ELLIOTT. Not "from the Government"—I must have sought employment when I went up there as a Government agent. Did I say "I never sought employment from the Government?" No; I said I did seek employment when I went to the islands. I had to go as a Government employee.

Mr. McGUIRE. Do you know how many times you sought employment?

Mr. ELLIOTT. I did not seek it in that sense. I sought it simply for the purpose of getting these collections first, for the Smithsonian Institution.

Mr. McGUIRE. Since your employment with the Government has been discontinued have you since sought employment?

Mr. ELLIOTT. No; I can not remember seeking employment since, unless you would call that engagement I made with John Hay, where I offered, if he would take up a certain plan of action, to cooperate with him in protecting the fur seal; the treaty that is in effect to-day is the result of that action, and it is authoritatively known as the "Hay-Elliott treaty of mutual concession and joint control." It is that to the letter.

Mr. McGUIRE. Do you remember a letter you wrote to C. S. Hamlin March 6, 1895?

Mr. ELLIOTT. Yes; I wanted to be a member of the commission. I wanted to go up there. I did not like the idea of one man going up there—and he an ignorant man like Jordan—without anybody that understood the question.

Mr. McGUIRE. Then you did seek employment of the Government?

Mr. ELLIOTT. Only in that way. I wanted to go up and get the facts and come right back. I objected to the idea of one ignorant man and a few clerks going up there. I wanted three men that understood the subject.

Mr. McGUIRE. You did write the letter, then?

Mr. ELLIOTT. Yes.

Mr. McGUIRE. Did you ever ask John G. Carlisle for employment?

Mr. ELLIOTT. I never suggested it; it was never in my mind at all.

Mr. McGUIRE. Did you write a letter from Cleveland, Ohio, 317 Detroit Street, November 6, 1893? Do you remember doing that?

Mr. ELLIOTT. Read it; I can not say.

The CHAIRMAN. You should read the contents of the letter so that he can refresh his recollection.

Mr. McGUIRE. Yes; I will.

Mr. ELLIOTT. I have written several letters to Secretary Carlisle, but I do not remember asking for employment. I do not think I did.

Mr. McGUIRE. I have here a copy of a letter which I will read:

317 DETROIT STREET, CLEVELAND, OHIO,  
November 6, 1893.

Hon. J. G. CARLISLE,  
*Secretary of the Treasury.*

DEAR SIR: The annexed press dispatch tells me in language plain that the commercial ruin of our fur seal preserves on the Seal Islands of Alaska has been thoroughly effected during the last year; it was well under way when I left the islands in 1890—the brief respite given to the animals on land since then has not and will not preserve the value of the rookeries—terrible slaughter at sea will continue next year and thereafter for a few seasons more until the millions of female seals and their young which I saw in 1890, together with the 80,000 or 100,000 young and older males—

Mr. ELLIOTT (interposing). I did not say “millions of females.” That is a mistake.

Mr. McGUIRE. It says, “until the million of female seals.”

Mr. ELLIOTT. No; there were then about 549,000 females—a million females and pups altogether. There is a mistake there.

Mr. McGUIRE (continuing):

until the million of female seals and their young which I saw in 1890, together with the 80,000 or 100,000 young and older males—until they are so reduced in number that it will not pay to pursue them.

I am well satisfied, from my long experience, that were I to start out with the pelagic sealing fleet next January from Victoria and Puget Sound, follow it up to its rendezvous at Unalaska, and watch its work around the islands during next August and September, that I could lay before you a statement of facts that would clearly show the utter uselessness of attempting, under the existing regulations—

Mr. ELLIOTT. That is right. I recall that letter.

Mr. McGUIRE (continuing):

to restore these rookeries to a paying basis in so far as revenue to the Public Treasury is concerned.

To carry out the police regulations on sea that the Bering Sea decision calls for will cost this Government of ours not less than \$250,000 to \$400,000 annually, provided they are moderately undertaken—much more, if fully undertaken.

The revenue from the islands next season will not go over \$200,000, even if you give the lessees permission to kill every male seal that they can find up there over 1 year of age and under 5, and make them pay their full \$10 per skin taken; they possibly might get 25,000 such seals—if they do, you can depend upon it, they will not be able to get 15,000 such seals in 1895, and still less in 1896, winding up in 1897 with a complete collapse.

I am, very truly, your friend and servant,

HENRY W. ELLIOTT.

P. S.—If yearling male seals are taken on the islands next summer, I believe that between 25,000 and 30,000 such seals, or 4½-pound skins can be secured also; but such killing will be the end of the business.—H. W. E.

Mr. ELLIOTT. I will say right there, that my idea in the writing of that letter was to get Secretary Carlisle so thoroughly informed that he would set aside the Bering Sea rules and see the nonsense of them, and move to have a reopening of the case—anything to get these men to understand that we had got to stop killing both on land and sea for seven or eight years.

Mr. McGUIRE. I understood you to say that there had been very little killing since 1890.



Mr. ELLIOTT. On land, not at sea.

Mr. McGUIRE. That is, pelagic sealing?

Mr. ELLIOTT. Yes; proportionately, the killing has been just as heavy. Of course, the figures in the trade would not show it. I labored with Mr. Hamlin as hard as I could to get a better commission than the Jordan commission. I did not believe that one ignorant man and some clerks was a proper commission for this work. I wanted men with strong virile minds, like Elliott Cones, Theo. N. Gill, and E. D. Cope (of Philadelphia). I wanted big, strong, brainy men; not one ignorant man and a few clerks.

Mr. McGUIRE. I believe you stated that you did write to John Hay?

Mr. ELLIOTT. Yes; I opened negotiations with him.

Mr. McGUIRE. Asking to be employed. Now, then, you did write to these three men—Hamlin, Carlisle, and John Hay—asking for employment?

Mr. ELLIOTT. Yes; in that way; employment for that specific purpose; to get these facts, so that these men could act quickly.

Mr. McGUIRE. Did you write to John Hay, asking that arrangements be made for the purpose of sending somebody up there?

Mr. ELLIOTT. No; the whole series of letters between John Hay and myself, beginning in April, 1900, and ending March 14, 1905, carried only one or two references to appropriations. The appropriations were made in 1904. Then we immediately went to work; but sickness took him away March 14, 1905, just as we had perfected the treaty.

Mr. McGUIRE. I will ask you if you made this statement in 1902 before the Committee on Ways and Means.

Mr. ELLIOTT. In 1902?

Mr. McGUIRE. Yes; February 18.

Mr. ELLIOTT. Yes; I revised those notes. They are all right.

Mr. McGUIRE (reading):

Provision for the appointment by the President of two commissioners, to embody the largest acquaintance and most extended experience, besides being an educated man in the premises.

Did you make that statement?

Mr. ELLIOTT. No; Mr. Hamlin made that statement, and I thought it had better go out; but it was kept in.

Mr. McGUIRE. But that was your statement.

Mr. ELLIOTT. I know; but Mr. Hamlin put it in and I did not care to antagonize Mr. Hamlin, because we had to work together at that time to get something done.

Mr. McGUIRE. Mr. Elliott, on page 5, Senate Document 407, Sixtieth Congress, first session, you charge that certain Senators, Congressmen, and department officials have been suborned into allowing sea butcheries of the fur-seal herd. What Senators were suborned?

Mr. ELLIOTT. Well, that was—I do not like to name them.

Mr. McGUIRE. Was Senator Morgan one of them?

Mr. ELLIOTT. No. They are all in "Senate Document 407," and I want to put that in the record as my answer.

Mr. McGUIRE. I will read this about Senator Morgan: "This old Senator Morgan in a fit of pique sat up all night in the Senate Chamber in order to rise with that single objection which was necessary to throw this Dingley bill over on the calendar."

Mr. ELLIOTT. I did say that; and that is true.

Mr. McGUIRE. I will ask you if in turn Mr. Morgan made this statement:

I know Mr. Elliott, whom the British Government has dubbed "Professor." I have respect for his character and sprightliness. He is painter in water colors of no mean pretensions, but his use of color does not stop with his canvas. It enters into all he says, and makes him too vivid an enthusiast for a safe reliance on questions of measurements, statistics, and facts.

That is from the Tribunal of Arbitration, Paris, volume 1, page 108.

Mr. ELLIOTT. Yes; that is correct. I want Senate Document 407 put into the record, since Mr. McGuire has read it. I want it all to go in.

(The paper referred to follows:)

[Senate Document No. 407, Sixtieth Congress, first session.]

#### FUR-SEAL HERD OF ALASKA, 1868-1908.

Mr. Foraker presented the following paper by Mr. Henry W. Elliott, of Lakewood, Ohio, on the fur-seal herd of Alaska.

March 25, 1908, referred to the Committee on Foreign Relations and ordered to be printed.

The official record of the loot and ruin of the fur-seal herd of Alaska. A brief and concise chronological abstract showing the salient points of progress in events leading up to the present status of the fur-seal negotiations from their inception to date, 1868-1908. [Taken from the official records of Congress, of the State and Treasury Departments, and other authentic sources.]

1868: The Pribilof or Fur Seal Islands of Alaska are formally and officially taken possession of by agents of the Government of the United States, and declared by them to be in danger of excessive killing, etc.

1869: The Pribilof Islands are made a Government reservation by act approved March 4, 1869.

1870: The Pribilof Islands are leased for a term of 20 years to the Alaska Commercial Co., of San Francisco, under provisions of act approved July 1, 1870.

1872-73: First biological survey of the fur-seal herd is made on the Pribilof Islands by Henry W. Elliott under the joint auspices of the Smithsonian Institution and the United States Treasury Department.

1874: Review of the Elliott survey of 1872-73 ordered by act approved April 22, 1874, and made by Lieut. Commander Washburn Maynard, United States Navy, and Henry W. Elliott. This survey confirms the survey of 1872-73 and declares the presence of at least 4,500,000 fur seals of all classes on the breeding and hauling grounds of the Pribilof Islands during the season of 1874.

1886: First appearance of organized pelagic sealing fleet in Bering Sea—two American and three British vessels. Three British vessels, the *Caroline*, the *Onward*, and the *Thornton*, and one American, the *Angel Dolly*, are seized and confiscated by United States revenue marine agents; but the protests of marine lawyers in Victoria and San Francisco against the legality of this seizure were so strong that in—

1887: A large number of British and American vessels went into Bering Sea. Again, seven of them were seized on the "high seas" and all sent to Sitka for trial. There they were duly condemned, fines levied, etc., in the United States district court by Judge Dawson.

1888: Mr. Bayard, Secretary of State, ordered the release of all those British vessels aforesaid seized in the open waters of Bering Sea during 1886-87, and the remission of fines, etc. Mr. Bayard then advanced the plan of an international close time for hunting of fur seals, which would prevent the killing of these animals at sea during their breeding season. He was well received, and everything was going to his satisfaction when that political scandal over the Murchison letter in September, 1888, caused an abrupt rupture between the British ambassador, Sir L. S. West, and the Cleveland Administration. All negotiations then ended forever in so far as Mr. Bayard was concerned.

1889: Mr. Blaine succeeds Mr. Bayard on March 4. He at once renews the orders of seizure abandoned by Mr. Bayard. A number of British schooners are seized in Bering Sea, a "prize crew" of only one man put upon each, and then, after taking all

skins found on board, these sealing schooners are then ordered to proceed direct to Sitka and report for trial there. The vessels, however, all disobey this order and sail, instead, for their home port, Victoria, as soon as they leave Bering Sea. Their return and story raises an immense uproar throughout all Canada.

1890: The printed protest of Lord Salisbury and the threat on his part to have a British gunboat convoy the British sealing fleet this year if Mr. Blaine persisted in his policy of seizure on the high seas caused Mr. Blaine to secretly countermand the seizure orders in so far as giving notice to our people went; the Victoria sealers were, however, duly advised of this action by their agents in London. Mr. Blaine then proceeded to justify his action in a *contra bonos mores* letter to Salisbury; but unfortunately for Blaine, through his ignorance he quoted certain worthless figures and reports of an incompetent and unworthy United States Treasury agent, who had denied these same figures and facts in another official report. In the meantime, the Secretary of the Treasury, William Windom, in cooperation with Congress, sends Henry W. Elliott up to the Pribilof Islands to review and report to him upon the condition of affairs thereon [act approved Apr- 5, 1890]. Mr. Elliott submits his report November 19, 1890; he declares the herd reduced from 4,500,000 seals in 1874 to a scant million in 1890; he urges a *modus vivendi* whereby for seven years a complete suspension of all seal killing on the islands and in the sea shall be agreed to by Great Britain and the United States; in the meantime, a joint commission of British and American experts shall visit the islands, and after full investigation thereon to agree upon a proper method of joint control of the killing of seals when that work might be resumed after the herd was restored to its normal form and number. During this interval of Mr. Elliott's work Mr. Blaine did nothing; but finally, ignoring Mr. Elliott's recommendations, he, under date of December 17, 1890, offered to submit the whole question in dispute to arbitration; if Her Majesty's Government, however, would accept his proposal that within a zone of 60 miles surrounding the Pribilof Islands all pelagic sealing should be prohibited throughout the year, then he was directed to say that our Government would deem that extent of protection full, ample, and all that we desired.

Elliott protests, and calls attention to the fact that the "60-mile zone" is utterly insufficient—that he had told Mr. Blaine in November, but that the whole of Bering Sea, *at least*, must be closed to pelagic killing, since the seals went at frequent intervals 200 miles away from the islands for fish all through the breeding season.

1891: Lord Salisbury accepts Mr. Blaine's proposal for arbitrating, as outlined in the letter of December 17 aforesaid; he also insisted upon the adoption of Elliott's *modus vivendi*, which Mr. Blaine had ignored; public opinion and Mr. Elliott's exposure of this attempt of Mr. Blaine to let the land and sea butchers have full swing while the lawyers were arbitrating caused President Harrison to overrule Blaine and order up the *modus vivendi*; June 14, 1891, it is agreed upon and proclaimed in Washington.

A joint commission is sent to the Pribilof Islands; Sir George Baden-Powell and Dr. George M. Dawson for Canada; C. Hart Merriam and Thomas C. Mendenhall for the United States.

The United States commissioners stay just nine days on the islands.

The British commissioners spend 23 days on the islands, then visit the Russian seal islands; they meet the United States agents in Washington, and in—

1892: Go into conference and fail to agree on a single fact other than the perfunctory statement that "the seals are greatly diminished at the hands of man."

The Bering Sea Tribunal of Arbitration is constituted February 29, 1892, and termed the "treaty of Washington," etc.; the Elliott *modus vivendi* of 1891 is ordered again for 1892.

1893: The award of the Bering Sea Tribunal is made August 16 at Paris; it denies our claims, but prescribes a series of rules and regulations to govern the taking of fur seals at sea; our agents claim that they "have secured a great victory" and that "pelagic sealing has been practically abolished in these regulations." Elliott alone publicly dissents, and declares that "these rules are utterly idle and useless—that they do not protect but facilitate the destruction of the herd." [See New York Times, Tribune, August 17, 1893.]

1894: The rules of the Bering Sea Tribunal are put into effect April 24; by the end of November the complete failure of their working to serve this purpose for which they were enacted is self-confessed by the enormous and vastly increased catch of the pelagic hunters for this season, which breaks the highest records known since this industry was first really organized in 1886.

On December 11, 1894, Mr. Dingley, stung by this record of perfect failure, reads a letter to the House of Representatives addressed to him by Henry W. Elliott, detailing the causes for this failure of these regulations, etc.; he announces to the House

that he will soon introduce a bill to relieve the shame and misery attendant upon this collapse of the work of the Bering Sea Tribunal.

1895: Mr. Dingley, after full understanding with Secretary of State Gresham, introduces a bill (H. R. 8633, Rept. 1849) to prevent the extermination of fur-bearing animals in Alaska; it is passed in the House after full debate, but does not reach the Senate in time for action there prior to the sine die adjournment March 4, 1895.

1896: Mr. Dingley reintroduces his bill as H. R. 3206, Report No. 451; it is passed in House unanimously, after full debate, February 25; it is reported from the Senate Foreign Relations Committee by Senator Frye, March 4, and under a special order for March 11; then Richard Olney, who has come into the State Department by the accident of Judge Gresham's death, ask Senator Frye to take no action on this bill, since he (Olney) has "successfully reopened negotiations with Great Britain," and the passage of this Dingley bill "will greatly embarrass if not defeat these negotiations." (!) Senator Frye has no alternative; thus bill is dropped.

On June 14 Olney asks the Secretary of the Treasury to send up a special commission "to informally meet" with a British commission on the Seal Islands of Alaska. Dr. D. S. Jordan and four "expert" clerks are appointed to represent the United States, and Prof. Darcy W. Thompson and one "expert" clerk are selected by the British Government.

Dr. Jordan submits a "preliminary report," November, 1896, to the Treasury Department, in which he says that he finds 450,000 seals of all classes on the islands; that he wants to brand all of the female seals, since it is feasible and will destroy the value of their skins, and so put the pelagic hunters out of business, and that the British agent was in full accord with him, etc.

1897: Dr. Jordan again visits the islands, but the British agent flatly repudiates any agreement in 1896 with him; he steers clear of it this year; Jordan takes a team of college boys up with him; an absurd and costly attempt to brand the seals is made, and it is witnessed in silent contempt by the British agent.

Mortified and repulsed, Jordan is about to quit when he falls into the hands of an "astute diplomat," ex-Secretary of State John W. Foster; by him he is steered into a "joint agreement" with Prof. Thompson "as to conclusions of fact." This unfortunate "agreement," for the fur seals, was signed in the Department of State November 17, 1897, by Jordan and Thompson; in this State paper Dr. Jordan surrenders every point at issue to the Canadian demand.

1898: Stimulated by their successes in dealing with Jordan, the Canadians agree to the creation of a "high joint commission," on June 14; it consists of five members on each side; to this commission this fur-seal question is referred for settlement, along with 10 or 12 other issues also in dispute, many of them long outstanding.

This commission holds two sessions in 1898, one in Quebec and one in Washington. Without agreement of any kind on any subject these sessions adjourn to a final meeting.

1899: The Anglo-American High Joint Commission finally adjourns in Washington, January 29, without day of reassembling; it adjourns in hopeless disagreement on every point submitted to it for agreement.

1900: After learning from Hon. John A. Kasson, a member of this defunct commission, that no result of any sense or value would ever come from this commission, even if it were reassembled, in so far as the cause of preserving the fur-seal herd was concerned, Henry W. Elliott, on April 2, addressed a detailed statement to Hon. John Hay, Secretary of State. In this statement Mr. Elliott outlines a plan for reopening and putting aside the erroneous and mischievous conclusions of the Jordan-Thompson agreement; he proposes a plan for action which will enable Mr. Hay to successfully reopen the case.

1900: Secretary Hay replies under date of April 30, saying that if Congress will make an appropriation on its own initiative, and order that expert work of Mr. Elliott, that he will be glad to cooperate and put it into effect. Mr. Elliott then came to Washington, May 3, but the session was too far advanced to adjournment for the consideration of new legislation, when said legislation was bitterly opposed by the land and sea butchers of the fur-seal herd, who had suborned certain Senators, Congressmen, and department officials to prevent such legislation.

1901: Short session; no time in which to overcome this opposition.

1902-3: Mr. Elliott secures, on February 2, 1903, the passage of House bill 13387 in the House; but on February 17, in the Senate Foreign Relations Committee, Senator Charles W. Fairbanks deliberately tells the committee that this bill is not needed; that the fur-seal question has been all agreed upon in the High Joint Commission, and only waits the formal publication by that commission when it reassembles; he assures the committee that this reconvention of the commission is to take place soon after the 4th of March (1903). This statement of Senator Fairbanks was an untruth in every respect—a square and wholesale fabrication on his part, to defeat the pending bill.

Under the circumstances, his colleagues could not dispute his false report; therefore they took no action on this bill, at his request.

1903: Mr. Elliott, openly asserting that there was no truth in Senator Fairbanks's statement, as above quoted, then secured the insertion of an item of \$20,000 in the pending sundry civil bill for the purpose of "making a new examination into the condition of affairs on the seal islands of Alaska," etc.; but on June 20 (1903), when Mr. Elliott asked Mr. Hay to take this work up, the Secretary replied that he was unable to go ahead with it as long as Senator Fairbanks, who, as chairman of the American membership of the Anglo-American High Joint Commission, "*stands over me and assures me that this subject is all settled and will be soon published by the commission;*" "*he says the commission will soon reassemble.*"

A special subcommittee of the United States Senate made an extended trip of inspection over Alaska during July and August and visited the seal islands (Messrs. Dillingham, Nelson, Burnham, and Patterson). They found the condition of affairs there exceedingly bad.

1904: This special Senate committee charged with Alaskan affairs made its report January 19, and urged a reopening of the question of fur-seal protection with Great Britain. To this end Senator W. P. Dillingham, chairman of the committee, introduced a bill which is finally passed in both Houses and is approved April 8.

On the 9th of April the committee wait upon Secretary Hay and urge him to take up this matter under the authority of this act of April 8 aforesaid. Mr. Hay agreed to, but he asked Mr. Elliott to get the Senators to agree with him (Elliott) first upon any plan of action; then he (Hay) would carry it into effect.

1904: On the 12th April Mr. Elliott took a general plan for the suspension of all killing of fur seals on land and in the sea for a period of 10 years, duly signed up by the Senators. In the meantime the details of how the work of killing seals should be resumed at the end of that period of rest; these details should be considered and then agreed upon in turn.

Secretary Hay took this up at once with Sir Mortimer Durand, the British ambassador, and on the 26th of April it was officially given to him; but it was rejected at Ottawa in July, because it gave no assurance to the Canadian Government that the terms of agreement would be acceptable after this long period of prohibition of pelagic sealing rights to British subjects. The Canadian ministry objected on the following grounds: (a) When the killing is resumed then the Canadian Government will get nothing out of it of any substantial gain to itself, and only arouse the ill will of its own people who are now engaged in fur sealing, and who say that as Canadians (1) they have vested rights in this business which can not be sold or denied to them; and (2) they are well satisfied with existing conditions; and (3) there is no danger of extermination to the fur-seal herd of Alaska from the effects of their hunting.

When fully informed of these objections, Mr. Elliott then, on November 30, 1904, outlined to Mr. Hay the plan of mutual concession and joint control which, in his opinion, we must offer to Canada, or else lose the case completely. Mr. Hay said that any agreement which the senatorial committee might sign up in the premises would be approved by him, but every detail must be in writing. Mr. Elliott set to work on these details, calling in [at the suggestion of Mr. Hay] Senator Platt of Connecticut, and [of Gen. Dillingham] Senator Foraker, of the Judiciary and Foreign Relations Committees. On the 22d of February—

1905: He was able to give Mr. Hay a draft of the senatorial agreement on these terms of mutual concession and joint control. Being at that hour very busy with a sudden demand upon his time made by a turn in the San Domingo business, Mr. Hay asked Elliott to defer this sealing-treaty paper for a week or two, until he should have more leisure to discuss its details.

On the 7th of March Mr. Elliott took the subject up again with Secretary Hay. He approved the terms. He then said that he now desired to have these details approved by the Secretary of Commerce and Labor, since they were largely matters of business detail which properly belonged to that department; he desired this plan to be submitted to that department by the Senators with a request on their part that Secretary Metcalf approve it and give it, so indorsed, to the President. He asked Mr. Elliott to have this done.

1905: On March 17 the senatorial committee addressed a letter to Secretary Metcalf, inclosing a memorandum which itemizes in detail the terms of a plan of mutual concession and joint control for the full, fair, and final settlement of the fur-seal question. This committee asks the Secretary of Commerce and Labor to approve this plan and give it, so approved, to the President, etc.

In the meantime, Mr. Hay is prostrated on March 9 by a severe illness; he leaves the State Department on March 15 and never returns to resume his official duties there; he dies at his summer home in New Hampshire on July 1, 1905. Mr. Elliott



is officially informed that nothing can be done in this fur-seal matter until Mr. Hay's successor qualifies and takes charge of the same.

1905: October 20.—Mr. Elliott places this unfinished business of the fur-seal settlement, above cited, in the hands of Elihu Root, the new Secretary of State, who did not take up these routine duties until the 3d of October, or appear himself at the State Department. Mr. Root takes the papers from Mr. Elliott's hands; assures him that he will proceed at once with the business. On the 21st of October, 1905, Mr. Elliott assures First Assistant Secretary Bacon that this plan of mutual concession and joint control, above cited, can be successfully negotiated in six weeks' time if it is at once placed in Sir Mortimer Durand's hands for that purpose by Mr. Root. [Mr. Elliott offered to give his expert services to the task and go himself to Ottawa.]

Did Secretary Root do so? No; he has done nothing on that line of action, *absolutely nothing, up to Friday, February 21, 1908*. Witness the following proof of this nonaction:

[“Special dispatch to The Globe.”]

[1908:] “*Ottawa, February 21*.—The question of the protection of the seal fisheries of the Pacific, now threatened with rapid extermination, was discussed at some length in the senate to-day. Hon. Mr. Scott, secretary of state, made a strong pronouncement on the subject, declaring that sealers were now acting like a band of pirates. \* \* \* He added that *Canada was quite ready to enter into negotiations with the United States with a view to the adoption of mutually protective regulations*. \* \* \*

“Hon. Mr. Scott said that Canada was ready to take the matter up whenever there was a proposition from the United States. *There had been no such proposal up to the present*. His remarks were inspired by the existing condition of the sealeries, which did not reflect favorably on the intelligence of the nations interested; \* \* \*. Canada was quite ready to do her share and be a party to any arrangement that will protect seal life and preserve all the seals but males.” [Toronto Globe, Feb. 22, 1908.]

With this declaration in open session of the Canadian senate, quoted above, we have the highest official authority—the secretary of state of the Dominion of Canada—publicly denying all blame for this continuation of the loot and ruin of the fur-seal herd of Alaska. We have him officially declaring that the Canadian Government has been and is ready and willing to unite upon that plan of mutual concession and joint control which John Hay and myself prepared in 1905, with this aid of the senatorial committee (Gov. Dillingham, chairman) and Sir Mortimer Durand, as above cited.

Why should this treaty plan be longer delayed? Why should that infamous work of the land and sea butchers of our fur-seal herd go thus unchecked; and that, too, when the Canadian government asks us to unite with it on a proper plan to suppress it?

No quibbling or nonsense about the necessity of “seeing” or sounding Japan or Russia *first*, will bear the light of honest discussion. *Those Governments have both been ready at any hour, since 1897, to unite with us on any plan to suppress pelagic fur sealing, which we could FIRST get Canada to assent to.*

We have to deal only with Canada in this business, seriously. Why is it not done, and *why not done now?*

HENRY W. ELLIOTT,  
No. 17 Grace Avenue, Lakewood, Ohio.

MARCH 16, 1908.

The CHAIRMAN. I want to ask Mr. Elliott a question that I forgot to ask him before. I asked Mr. Clark whether he ever saw the Carlisle rules that were on the records of the Pribilof Islands, and he said no. Have you any testimony to show that he had such knowledge?

Mr. ELLIOTT. I have; I have the proof that he had such knowledge.

The CHAIRMAN. You may submit it.

Mr. ELLIOTT. The evidence is given by himself in an official report to the Secretary of the Treasury, February 24, 1898.

The CHAIRMAN. Explain it to the committee.

Mr. ELLIOTT. On Friday, February 20, 1914, Mr. George A. Clark swore that he had no knowledge of the Carlisle rules, posted January 17, 1897, in the official journal of the Government agents on St. Paul

Island, until he saw the hearing of this committee of January 17, 1914. On February 20, of this year, Mr. Clark testified as follows:

The CHAIRMAN. Did you know that Carlisle had issued regulations that were in force on the island in 1896 prohibiting the killing of yearling seals?

Mr. CLARK. No; I was not aware in 1896 or 1897 of that fact.

The CHAIRMAN. Do you not know now about those regulations on the islands?

Mr. CLARK. I know it from the last hearing only.

Mr. McGUIRE. That was his last testimony.

Mr. ELLIOTT. Yes; Friday, February 20, 1914. That George A. Clark was deliberately telling an untruth to deceive the committee is self-confessed by him in his own official report to the Secretary of the Treasury dated February 24, 1898, pages 257 to 292, part,,<sup>2</sup> Fur Seal Investigation, 1898.

Here is the record of a search made into every official entry that he could find touching certain movements of the seals in each and every journal kept by the United States agents in charge of the seal islands from 1872 to the close of the record of 1896, up to the date of July 13, 1896.

This exhibit of this examination of every page in these official logs, or journals, kept on the seal islands from 1872 to the end of the season of 1896, or the year when he first visited the islands, declares the fact that on page 292, part 2, in Seal Investigations, he has made an examination of Chief Special J. B. Crowley's log for 1896 and has made daily extracts from its pages between "April 13" and "July 13."

The "Carlisle regulations" of May 14, 1896, are beautifully engrossed in this log aforesaid, on pages 14, 15, 16, under date of entry, "June 17." Therefore, Mr. Clark in his progress of examination of the pages of this official log day by day, up to July 13, could not have failed to have seen, immediately after his citation of events on "June 14," as noted by him here, on page 292, this extended and handsome entry of the Carlisle regulations under date of June 17 and immediately following. That he carefully turned the pages from "June 14" over to "June 23," and then again to "July 13," is fully confessed to the committee by himself in this official record of his own making and as above described. That is all I wish to say upon that subject.

The CHAIRMAN. I believe that concludes the hearing, then.

Mr. McGUIRE. Mr. Lembkey wishes to make a brief statement.

Mr. LEMBKEY. I did have a desire at the time to answer certain statements which Mr. Elliott had brought forth in his testimony before the committee, but as I look back upon it now I feel that perhaps it might be just as well to let it go and not comment on it at all, so I do not care to make any further statement.

The CHAIRMAN. I desire to state to the committee that there may be a few papers yet that may be submitted in the matter of certificates and public records, and so forth, and I would like to have a little time to gather them together.

Mr. McGUIRE. For this record?

The CHAIRMAN. Yes; things that probably ought to be in. I am not sure there will be anything. I think there is a certificate here as to who was the owner of the *James Hamilton-Lewis*, in 1892.

Mr. STEPHENS. When will we meet again, Mr. Chairman.

The CHAIRMAN. We will adjourn to meet at 10.30 Thursday morning next.





# INVESTIGATION OF THE FUR-SEAL INDUSTRY OF ALASKA.

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## COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF COMMERCE, HOUSE OF REPRESENTATIVES, *Thursday, April 2, 1914.*

The committee this day met, Hon. John H. Rothermel (chairman) presiding.

The CHAIRMAN. There is a quorum present, and we will proceed. I have called the committee together for the purpose of considering the report to be made upon the fur-seal investigation, and will read the same to the committee:

[House Report No. —, Sixty-third Congress, second session.]

### THE FUR-SEAL INDUSTRY OF ALASKA.

APRIL —.—Referred to the House Calendar and ordered to be printed.

Mr. Rothermel, from the Committee on Expenditures in the Department of Commerce, submitted the following report:

The Committee on Expenditures in the Department of Commerce, proceeding under its general powers to inquire into the leasing of sealing privileges on the Pribilof Islands of Alaska, the conduct of the lessees on the said seal islands, the management by the officials of the Government in charge of the fur-seal herd after the expiration of said leases, beg leave to report as follows:

Specific charges having been filed with the committee August 31, 1913, alleging that the agents of the Government had conspired with the lessees of the seal islands to take seals in violation of law and the provisions of their contract; and also that the said lessee company had secured the lease from the Government by fraud and perjury, the committee determined to investigate these questions and report its findings of fact to the House. Extended hearings were had, beginning October 13, 1913, and ended March 13, 1914.

The committee, after due and careful deliberation, finds the following facts:

I. That when the United States took possession of the fur-seal herd, in 1867-68, by virtue of the treaty of cession from Russia, and leased it to the Alaska Commercial Co., a corporation, for 20 years from May 1, 1870, the herd consisted of about 4,700,000 seals. (See pp. 56-57, hearing No. 1.) During the period of this lease, 1870-1890, the lessees took 1,856,224 seals, deriving therefrom a net profit of \$18,753,911.20, while the net profit of the Government therefrom was but \$5,264,230.08. (See hearing No. 1, pp. 176-178.)

II. That on March 12, 1890, a second lease was entered into with another corporation, known as the North American Commercial Co., of San Francisco, for a period of 20 years. That when this lease was executed, a survey of the herd made in July of that year, disclosed the fact that there were about 1,000,000 seals on the islands. That this reduction of the heard was due to the combined effect of killing 100,000 seals annually on land, since 1870, and the energetic prosecution of pelagic sealing first begun in 1883-84 and actively prosecuted since 1888. (See pp. 183-184, hearing No. 1.)

That the heard had been depleted to such an extent in 1884, that the Alaska Commercial Co. had difficulty in securing their average annual quota. In spite of this fact, however, the said company continued to take an annual average of about 100,000 seals, until their lease expired in 1890. On the expiration of this lease, the heard had been depleted to such an extent that the new lessee, the North American Com-

mercial Co., had great difficulty in obtaining their first quota in June and July, 1890, and commenced to kill female seals and yearlings, which is now, and was then prohibited by law, and by the regulations of the department, dated May 14, 1896. This unlawful killing of seals was reported July 31 and September 7, 1890, to Hon. William Windom, the Secretary of the Treasury, who died January 29, 1891, and to his successor, Hon. Charles Foster, who took no steps officially to prevent a recurrence of such loss to the Government; but, on the contrary, immediately removed the agent who reported it, and assigned him to another position in the service. (See pp. 304-314, hearing No. 1.)

That the conduct of the lessees, the North American Commercial Co., through its officers and agents, coupled with the work of and the interest they had in pelagic hunting, so reduced the seal herd of about a million seals that in August, 1910, the number of seals on the islands did not, as officially reported, exceed 133,000. That the lessees had killed in 20 years 343,356 seals, from which they derived a net profit of approximately \$5,000,000 and by reason of which the Government, after paying the expenses incident to the management of the fur-seal herd during said period, derived no profit, but, on the contrary, suffered a cash loss of more than \$1,350,000. That the record of 40 years of leasing of the seal islands of Alaska (1870-1910) discloses the fact that the Government has suffered a property loss of not less than \$80,000,000, caused by the almost complete commercial ruin of the said seal herd, while the net revenue received by the Government under both leases amounted to but \$3,914,000, approximately. (See pp. 176-178, hearing No. 1.)

III. Your committee finds that the second lease which the Government entered into—namely, with the North American Commercial Co.—was obtained by fraud, in part having consisted in the filing of a false affidavit on the part of Isaac Liebes, president of said company. Testimony discloses the fact that the said Liebes, as president of said company, did, on March 12, 1890, declare under oath in the form of a written affidavit, which was placed on file in the Treasury Department with the papers in the case, to the effect that neither he nor any of his associate lessees were engaged in the business of pelagic sealing or in any violation of law, when in truth and in fact he, the said Isaac Liebes, was at the very time of the filing of said affidavit in full knowledge of the fact that his associate lessee, Herman Liebes, was the owner of the schooner *James Hamilton Lewis*, and that she had been outfitted by him, illegally cleared January 10, 1890, for hunting fur seals at sea and for the very purpose of committing depredations on the high seas and in American waters and on the seal islands of Alaska during the summer of 1890. That on September 17, 1890, he, the said Isaac Liebes, president, as aforesaid, became part owner of said vessel *James Hamilton Lewis*. That the said Herman and Isaac Liebes, officers and stockholders of the said North American Commercial Co. and as owners of the said *James Hamilton Lewis*, corresponded, combined, confederated with one Alexander McLean, known as a notorious British pirate, for the purpose of committing, and in fact did commit, depredations on the high seas in American waters, and on the Pribilof Islands, by way of unlawfully killing fur seals belonging to the Government of the United States. (See pp. 224, 225, 285, 290, 294, 295, hearing No. 1.)

Your committee is of the opinion that the conduct of the officers of the North American Commercial Co. during 1890, 1891, and subsequent thereto, was such that the officials of the Government should have promptly revoked the lease, and prevented this great loss of property. In this connection it may be stated that the following is a clause which appears in the lease:

"The Secretary of the Treasury reserves the right to terminate this lease and all rights of the North American Commercial Co. under the same at any time on full and satisfactory proof that the said company has violated any of the provisions and agreements of this lease, or any of the laws of the United States, or any Treasury regulation respecting the taking of fur seals or concerning the islands of St. George and St. Paul or the inhabitants thereof."

That the said North American Commercial Co. gave a bond, dated March 12, 1890, in the sum of \$500,000, conditioned for the faithful observance of all laws and regulations of the Treasury Department, said bond being signed by I. Liebes, president; H. B. Parsons, assistant secretary; and Darius O. Mills, attorney in fact, and Stephen B. Elkins, as sureties, and approved by William Windom, Secretary of the Treasury, and which said bond is on file in the department, as part of the record in the case.

IV. Your committee further finds that, in spite of the ruinous record made during the last 20 years, by the North American Commercial Co. under the supervision of the Government agents of the seal islands of Alaska, H. H. Taylor, the president of said company, C. H. Townsend, a member of advisory board on fur-seal service, Department of Commerce and Labor, and George M. Bowers, Commissioner of the Bureau of Fisheries, did recommend to the Secretary of Commerce and Labor, the

Hon. Charles Nagel, that he enter into another lease of the said islands, for 20 years. The testimony discloses the fact that the Secretary of Commerce and Labor had intended to enter into another contract to re-lease the islands to the highest and best bidder. Strenuous objections to any leasing of the islands, however, were made by public-spirited citizens, and this prevented the renewal of the lease. (See statement of Charles Nagel, dated Mar. 19, 1914, and review of said, appendix to hearing No. 3.)

V. That since the lessees were prevented from further killing by the expiration of their lease and by the passage of the act of Congress, approved April 21, 1910, which act prohibited the re-leasing of the islands for the purpose of killing seals, the Secretary of Commerce and Labor was placed in full control of affairs on the said islands.

Your committee, after due and careful deliberation, finds that the lessee company took 128,000 yearling seals in violation of law during the term of their lease. That this was done in collusion with the agents of the Government on the islands. That on May 14, 1896, the Hon. John G. Carlisle, Secretary of the Treasury, issued regulations which prohibited the killing of yearling seals and seals whose skins weighed less than 6 pounds. That, in spite of this regulation, the lessee company, in collusion with the Government agents on the islands, took about 8,000 seals in violation thereof, during the season of its prohibition, i. e., June and July, 1896. (See pp. 207-208, hearing No. 1.)

That there were no other regulations issued until May 1, 1904, when the Carlisle regulations were, in effect, reissued, as the "Hitchcock rules," whereby the killing of any male seals under 2 years of age was prohibited, on the well established fact that the sex between the male and the female yearling seals can not be told apart, as they haul out upon the island without a physical examination.

That no further regulations were issued until May 9, 1906. No changes were made then as to the ages or the prohibition of killing yearling seals, but a change in the minimum weight of skin to be taken from "6 pounds" in the Carlisle, and from "5½ pounds" in the Hitchcock regulations, to "5 pounds" was made. It is quite apparent to the committee that the object of both the Carlisle and Hitchcock regulations as to the weight of skins was to prevent the killing of young or yearling seals. These rules were made with the assumption that those skin weights would be properly made when the pelts were taken from the bodies of the seals.

VI. The committee further finds that in 1896, and thereafter, the leasing company, in conjunction and connivance with the Government agents on the islands, killed yearling seals, and added sufficient blubber in skinning the animals so as to bring the skin weights within the regulation. By lowering the weight of the skins it made the fraud and deception easier, because it took less blubber on the small skins to bring them within the regulations. In this connection it may be well to note that Mr. Frank H. Hitchcock, who, as chief clerk of the Department of Commerce and Labor, appeared before the Ways and Means Committee on March 9, 1904, and said that he had been sent to represent the Secretary of Commerce and Labor, and to make the following proposal to the committee. On page 35, hearings on fur seals, Ways and Means Committee, Fifty-eighth Congress, second session, on House joint resolution 124, appears the following:

"Mr. HITCHCOCK. First of all, we propose to limit still further the ages at which seals can be taken. We will prohibit altogether the killing of seals under 2 years of age. Killing will thus be restricted to seals between 2 and 4 years old.

"Mr. WILLIAMS of Mississippi. You propose to forbid the killing of seals under 2 years old?

"Mr. HITCHCOCK. Yes.

"Mr. WILLIAMS. At 2 years of age that is the very time you can tell the difference between the bull and the cow. In other words, if you kill nothing under 2 years old there should be no reasonable excuse for a mistake in that respect?

"Mr. HITCHCOCK. You are quite right; that's the point. The great objection to the killing of these small seals, and, I take it, the only objection, is the difficulty from distinguishing the males from the females."

On July 28, 1910, Secretary Charles Nagel received from the Bureau of Fisheries a marked copy of the above hearing, and sent that notice of this reception to the House Committee on Expenditures in the Department of Commerce and Labor, June 24, 1911. (See p. 987, Appendix A, H. Doc. 93, 62d Cong., 1st sess.)

Secretary Charles Nagel had full knowledge of the fact that on March 9-10, 1904, the Department of Commerce and Labor pledged itself to the Ways and Means Committee not to allow any seals killed on the Pribilof Islands "under 2 years of age," and this pledge was also given to the Senate subcommittee in charge of Alaskan affairs. (Gov. Dillingham, chairman, on Mar. 8, 1904.) (See p. 235, hearing No. 1, Jan. 17, 1914, H. Com. Exp. Dept. Commerce.)

It is conceded on all sides that the sex in young seals can not be told apart, without physical examination, and that they are born equal in number. (See p. 182, hearing No. 1.)

In the judgment of the committee, this raises a strong presumption that half of the yearlings so taken were females, which is made a crime under the statute.

This method of taking seals continued until the end of the killing season of 1909, the termination of the lease. After that the business was conducted by the Government under the direction of Hon. Charles Nagel, then Secretary of Commerce and Labor.

VII. The committee finds that the taking of seals on the Pribilof Islands, under the direction of former Secretary Charles Nagel, from 1910 to 1912, inclusive, was conducted in the same manner, and by the same officials, as in the latter years of the leasing company. Before the said Charles Nagel had full authority under law to take seals on the islands and during the last year of the lease he was repeatedly notified of the unlawful killing and depredations committed by the sealing company, and the Government agents on the Pribilof Islands, specifically detailed to him, as done during the years of 1906, 1907, and 1908; he was warned April 26, 1909, that they would be guilty again, under his direction of the same conduct. This warning was disregarded; the same leasing parties were on the islands in 1909, and took, in violation of law and regulation, 7,230 "small pups" and "extra small pups," which were yearlings, and exclusively the property of the Government.

The committee further finds that the said Charles Nagel, on May 7, 1909, appointed George A. Clark as a special expert assistant to visit the islands, examine conditions, and make a report to the department, which he did September 30, 1909. In said report the special assistant aforesaid states that yearlings are taken and "no seal is too small to be killed," to wit:

"It is on the killing field, however, that the great need of a guiding and controlling hand is shown. In 1896-97 the Government agents ordered the drives. This season they have been entirely in the hands of the lessees. The young males set aside for breeding purposes having been marked, the lessees have been free to take what they could get, and this resulted in their taking practically all of the bachelors appearing on the hauling grounds.

"\* \* \* With a fixed legal quota, and a limited time in which to secure it from a failing herd, there naturally results close, severe driving. In the eagerness to see that no possible bachelor escapes, the edges of the rookies are encroached upon and cows included in the drives. Fifty of them appeared in drives toward the close of this season. A drive that can not be made without including cows should be omitted. A drive which appears on the killing field with 15 to 20 cows in it should be released rather than incur the danger of clubbing any such cow by mistake. There should be some one in charge of the herd with power and discretion to do this. With a limited killing season, however, this would be unfair to the lessees. There should also be power and discretion to waive the limit and extend the time of killing if necessary.

"There has been on the killing grounds since 1900 a constant struggle on the part of the leasing company in the closing years of its concession to get every possible skin from the declining herd. Its work has been aided by a high arbitrary legal quota and by a lowered minimum weight of skin, enabling it to gradually anticipate the quotas of succeeding years by killing younger animals. As a result there has occurred in these years probably the closest killing to which the herd has ever been subjected. Aside from the diminished supply of male life on the breeding grounds in 1904, this is shown in the fact that though the herd has declined two-thirds in size, the quota has never fallen more than one-third in size as compared with that of 1897.

\* \* \* \* \*

"During the present season and for some seasons past a minimum of 5 pounds has been in force, the skins taken ranging in weight all the way from 4 to 14½ pounds, bringing all classes of animals from yearlings to 4-year-olds into the quota.

\* \* \* \* \*

"A killing was made at Halfway Point as usual on the return trip. It yielded 32 skins. Fifteen animals—young bulls—too large for killing and 9 shaved heads were exempted, but no small seals whatever. As the end of the killing season approaches it is plain that no seal is really too small to be killed. Skins of less than 5 pounds weight are taken and also skins of 8 and 9 pounds. These latter are plainly animals which escaped the killing of last year because their heads were shaved. Otherwise it does not seem clear how they did escape. \* \* \*" (See hearing No. 1, pp. 104-105, 187-188, H. Com. on Exps., Dept. of Commerce.)

The committee further finds that the said Charles Nagel, disregarding the Clark report, and substituting another report, by printing it, November, 1909, which denied Mr. Clark's findings of fact, and all former notices in writing, of the illegal killing of

seals on the islands by the lessees, received on May 9, 1910, from Henry W. Elliott the following letter, to wit:

LAKEWOOD, OHIO, *May 9, 1910.*

HON. CHARLES NAGEL,  
*Secretary Commerce and Labor.*

DEAR SIR: The reason why a new and competent audit of the seal-island books must be made in your department, and why it is demanded imperatively for the public good, is as follows, briefly stated:

I. The law has been openly violated on the killing grounds of the islands, and the terms of the lease ignored by the lessees thereof at frequent intervals, and repeatedly, from July 17, 1890, up to the close of the season of 1909. This violation of the law and the contract has been chiefly by the act of killing female and yearling male seals; said killings have not been in negligible numbers, but have run up into the tens of thousands of female and yearling male seals.

II. This illegal and improper killing has been ordered by the lessees, and falsely certified into your department as the taking of male seals according to law and the rules of your department.

III. The full and complete proof of this illegal killing as specified above exists on the islands and in the records of the sales of those skins. Any competent and honest auditor of those records will lay them open and so disclose the truth of those charges as made by Items I and II.

Very truly, yours,

HENRY W. ELLIOTT.

The said Charles Nagel ignored this letter, which is part of the record of the department, and was again notified to the same effect on May 24, 1910, by another letter from the said Henry W. Elliott, which is also part of the record of the department.

After these warnings of the guilty conduct of the lessees in conjunction with the Government agents on the islands, during the year 1909, the said Charles Nagel, in 1910, under authority of the Government, sent to the islands the same Government officials who again killed young or yearling seals in violation of law, in the same manner as was done in conjunction with the sealing company prior there in 1909. In that year June and July, 1910, they killed 7,733 yearlings. (See pp. 642-645, hearing No. 2; pp. 702-709, hearing No. 3.)

In the judgment of the committee half of that number were females.

In 1911, after said Charles Nagel was fully aware that the Committee on Expenditures in the Department of Commerce was investigating the conduct of the lessees and Government agents and the killing of seals on the Pribilof Islands, he again sent the same Government agents to the Pribilof Islands. They killed 6,241 yearlings in violation of law and regulation in 1911. This occurred during the months of June and July, 1911.

In 1912, the said Charles Nagel sent the same guilty Government agents again to the islands, and 1,178 yearlings were killed out of the small total taken of 3,773 seals, in violation of law and regulation.

VIII. Your committee finds that regulation as to the weight of skins is futile, for the reason that the skin of a yearling can be taken and sufficient blubber may be added by skinning, to make it weigh as much as, and more than that of a 2-year-old pelt, which is properly skinned. The committee further finds that the records made by the agents of the Government in the Bureau of Fisheries during the lease of the sealing company, and subsequent thereto, were made by skin weight, and not by skin measurement, as should have been done.

IX. Your committee finds that Isaac Liebes and the late Herman Liebes were engaged in pelagic sealing at the time that the lease was obtained from the Government; that the late Darius O. Mills, of New York, was a member of the leasing company, as was the late Stephen B. Elkins, Senator from West Virginia; that Lloyd Tevis and Herman and Isaac Liebes were also incorporators and shareholders of the leasing company known as the "North American Commercial Co.," of San Francisco and New York. (See pp. 224, 225, 285, 290, hearing No. 1.)

The evidence is full and complete that said lessees had full knowledge of this guilty killing of yearling and female seals aforesaid; and, did annually divide up and participate in the profits of said illegal killing of seals since 1891, to the end of their lease, May 1, 1910. (See pp. 305, 307, 313-316, hearing No. 1, and p. 707, hearing No. 3.)

Your committee finds in further evidence the proof that the Russian sealing records of 1800-1834, have been deliberately falsified by the report of Dr. David Starr Jordan, on Fur-Seal Investigations, Parts 1-4, 1898, being a report made to the Secretary of the Treasury, February 24, 1898.



The significance and design of this falsification of the Russian records of land killing from 1800 to 1834, whereby the herd on the Pribilof Islands was nearly reduced to complete extinction, and to its utter commercial ruin to the latter date, is apparent and self-confessed to the committee by Dr. Jordan's associate and secretary, George A. Clark, who, on February 23, 1914, page 551, hearing No. 2, testified as follows:

"Mr. CLARK. The whole fur-seal difficulty at the present time turns on that. If the Russians killed only males, then you have a right to stop land killing, and to say that land killing had something to do with the present state of our herd. If the Russians killed females, then the crisis through which the herd passed in 1835 was due to killing of females just as the crisis through which the herd has passed in 1911 has been due to killing of the females by pelagic sealers on the high seas.

"Mr. McGUIRE. This is one of the most material points that has been up."

The testimony and documents produced to the committee show beyond dispute or a shadow of doubt, that Dr. Jordan used a false translation of that Russian record of the killing which enabled him to untruthfully assert that "the Russians killed males and females alike" on the rookeries of the Pribilof Islands, from 1800 to 1834; thus destroying the herd, and compelling that 10 years' close time which was ordered for the herd, by the R. A. Co., from 1834 to 1844; and before commercial killing was again resumed. (See pp. 183-186, hearing No. 1, and pp. 671-678, hearing No. 3.)

That Dr. David Starr Jordan should have made an elaborate report to the Secretary of the Treasury in 1898, wholly based upon a deliberate and studied falsification of the Russian sealing records of 1800-1834, is proven by the official records of the Proceedings of the Tribunal of Arbitration (Vols. VII, pp. 13-14, 152-153; VIII, pp. 305-323), and which proof is fully carried in the testimony given on pages 671-678, hearing No. 3.

That Dr. Jordan and his associates, who prepared this false based report, aforesaid, did so to shield and conceal the truth as to the ruinous work of the land killing by the lessees on the Pribilof Islands is beyond question, since the truth in the premises, had it been told by Jordan in 1896 and 1898, would have compelled the immediate removal of the lessees from the islands, and would have led to a betterment of the conditions involved, at once.

Your committee, taking due note of all the testimony given, and carefully reviewing the same, together with that relating to the certified records given it by the United States Bureau of Fisheries, of the London sales of fur-seal skins, which were secured as "small pups" and "extra small pups" illegally on the Pribilof Islands by the lessees thereof, in violation of the law and regulations of the Government, find that said lessees have taken since 1896 at least 128,000 such yearling fur-seal skins as were distinctly prohibited and denied to them by law and regulations, said illegal and ruinous killing being annually done by them from 1896 to the end of their lease, May 1, 1910. (See hearing No. 1, 213-280, 1914.)

The committee therefore recommends:

(1) That the Attorney General be requested to take such steps as may be necessary to collect the bond of \$500,000 from the said North American Commercial Co. and the sureties thereon.

(2) That the Attorney General be requested to institute civil proceedings against Isaac Liebes and his associate lessees, and their legal representatives, to recover such damages as he and his confederates did to the seal herd of Alaska from 1890 to 1910, and to proceed against such other persons who may be or who are also implicated.

(3) That with a view to carrying these recommendations into effect, the Clerk of the House be directed to forward to the Attorney General a certified copy of this report, together with a complete set of the official hearings held before and by this committee on this subject, with the request that the Attorney General proceed in the case as the law and evidence direct for the good of the public interests concerned.

Mr. STEPHENS. I move that the statement of former Secretary Nagel, as submitted to the committee, be printed as a part of the hearings.

(The motion was agreed to.)

I make the same motion with reference to Mr. Elliott's answer to Mr. Nagel's statement.

(The motion was agreed to.)

Mr. McGUIRE. I move that Mr. Nagel be accorded the privilege of making an additional statement, if he so desires.

(The motion was disagreed to.)

Mr. STEPHENS. I move that the report be adopted as read.

(The motion was agreed to.)



Mr. McGUIRE. The minority gives notice that a minority report will be filed.

Mr. WATKINS. I move that the chairman arrange with the Committee on Accounts for the payment of expenses incurred by the committee in making the fur-seal investigation of 1913-14, upon which the report of the committee is based.

(The motion was agreed to.)

(The committee thereupon proceeded to the consideration of executive business.)

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### STATEMENT OF CHARLES NAGEL.

MARCH 19, 1914.

Hon. JOHN H. ROTHERMEL,

*Chairman Committee on Expenditures in the Department of Commerce.*

SIR: In as much as it is impossible for me to leave here at this time, and your committee can not await my arrival in Washington on the 2d of April, I have decided to submit a brief statement now.

#### VOLUME AND NATURE OF WORK TO BE DIRECTED.

While I was Secretary of Commerce and Labor there were never less than 12 bureaus in the department. Of these the Bureau of Fisheries was by no means the most important. Furthermore, the essentially scientific character of its work furnished an additional reason why a Secretary with only one assistant could not give more than that general supervision which the law contemplates. Even in this particular bureau, the seal herds constituted only a relatively important factor when compared with salmon, lobsters, and other fish intersets at sea and in the inland hatcheries and stations. Necessarily, and with a confidence which I still entertain, I looked to the representatives of the bureau for advice in the performance of all matters of detail. My personal attention was devoted to a few questions of more fundamental importance, with respect to which I would be expected to counsel with other representatives of the executive and legislative departments.

#### THE DEPARTMENT'S ATTITUDE TO THE LEASING SYSTEM.

The first question to which I gave attention was whether or not the leasing system should be continued at all. Both sealing leases—the one of 1870 and the one of 1890—were made by the Treasury Department. The control of seal interests was not transferred to the Bureau of Fisheries until December, 1908.

When I went into office, in March, 1909, the lease of the North American Co. had a little over a year to run, and the last killing under its terms was had on the Pribilof Islands, in Bering Sea, within the first five months after I entered office. The Government's agents were in charge at the islands; rules which had stood for years were in force; material changes were out of question; and, barring the earnest warning that every precaution be observed for the protection of the herds under the law and the rules, the killing was necessarily had without substantial change. The matter to which I gave particular attention was the provision of the law which required that in May of the following year a new lease be entered into under conditions substantially prescribed in the statute. This provision was mandatory, unless in the meantime the conclusion was reached by Congress to change the Government's policy. Commissioner Bowers of the bureau brought this matter to my attention in ample time in 1909 and suggested that the leasing system be discontinued and that the Government take over the management of the herds. This course was definitely recommended in November, 1909, by both the advisory board and the fur-seal board. This suggestion had been advanced and dismissed during an earlier administration. After conferences with representatives of the bureau, the Secretary of State, the President, Senator Dixon, chairman of the Senate Committee on Conservation, and many others, the department decided to recommend its adoption. The bill providing for this change was prepared by my direction by the solicitor of the department and was, with the approval of the Secretary of State and the Secretary of Commerce and Labor, sent to Congress by the President with a special message. As will appear from the reports of congressional hearings, representatives of the bureau appeared with me

before the Senate and the House committees to explain the importance of the measure and to urge its passage. It passed both Houses and was signed by the President. In the meantime, in order that we might be prepared whatever the event (no one being in a position to say that a new law would be enacted), we had, of course, made every preparation under the mandatory terms of the old statute and kept all persons who inquired advised of the situation from time to time.

In the face of these uncontroverted facts which may be gathered from the official correspondence of the department with the President, Senator Dixon, and others, it is hardly necessary to characterize any statement to the effect that the Bureau of Fisheries or I resisted this change or sought to continue the leasing system.

#### THE DEPARTMENT'S EFFORTS FOR A TREATY TO SUPPRESS PELAGIC SEALING.

The second and perhaps more important subject to which I devoted myself was the suppression of pelagic sealing by treaty. With respect to this question I heard only one opinion. In fact, at that time many differences upon minor matters turned upon the probable effect which this or that decision might have upon this controlling issue. For illustration, the contention which now monopolizes attention, that it would be wiser to discontinue the killing of even a certain percentage of male seals, was at that time made, chiefly because of the supposed beneficial effect of such an announcement upon the prospects for a treaty. Repeatedly during the year 1909 Mr. Bowers, of the Bureau of Fisheries, discussed with me the urgent need for such a treaty. The slaughter of female seals by pelagic sealers had become so ruinous that high authority had suggested the annihilation of the entire herd as the only consistent termination to so destructive a practice. In the fall of 1909 I addressed the State Department, making an earnest appeal to renew the effort. The story is an old one. The State Department advised me that negotiations for a convention were underway; and they were finally successful. The four countries interested—Great Britain, Russia, Japan, and the United States—appointed delegates to the convention held in Washington in 1911, I being one of the delegates for this country. After a session of many weeks, which at times threatened to adjourn without agreement, the treaty was adopted, and it is now in force.

It serves no purpose now to dispute over the questions how and by whom this or that provision of the treaty was prepared. Indeed, it would not be proper to state more than the official protocol contains. Such discussion may be safely left to those whose personal rancor has blinded them to the cause to be served. Those who have kept that cause in mind are glad to forget past differences of opinion, to rejoice in present success.

To repeat, in 1911 the leasing system and pelagic sealing had been abolished, both with the earnest and constant cooperation of the department and the representatives of the Fisheries Bureau. There then remained only one question to decide: Should all killing be suspended, or should a given percentage of male seals be taken during the season of 1912?

#### PELAGIC SEALING HAVING BEEN ABOLISHED, WHICH POLICY WOULD BEST CONSERVE THE SEAL HERDS?

This presented a subordinate question about which my opinion would be of little or no value, and which therefore had to be determined by those who were by law charged with the consideration of such problems. The system of distinct bureaus in one and the same department contemplates that particular work shall be intrusted to men who are particularly qualified for that work. The Bureau of Fisheries would, for illustration, not be consulted about a machine to test the strength of steel, or about a census of the manufactures of this country, or about an immigration case at Ellis Island. But it would be required to decide whether or not it is safe and wise to kill a certain percentage of male seals, and if so, in what season, in what proportion, and at what ages? And inasmuch as it is impracticable to classify seals according to age by grouping or segregation from one season to another, it would be for the bureau to decide how the question of age can be determined with practical security. I make this detailed explanation because I wish to save a somewhat obvious rule of administration from the confusion which disproportionate attention to past controversies and revamped historical data has cast upon it. I knew little more about the propriety or time of killing seal than did the Chiefs of the Bureaus of Navigation or Corporations. If my past experience had qualified me to understand the detail work of any bureau, the Bureau of Fisheries certainly was not the one. In other words, I relied upon that advice and assistance which the law contemplates when it gives a Secretary supervisory control of his department.

The chief of the Bureau of Fisheries was himself an administrator rather than a trained expert. But his assistant and other members of his staff were qualified experts. I looked to such men as Drs. Smith and Everman of the bureau, both of whom were in the service when I left the department. Dr. Smith has since then been promoted to the position of chief of Bureau of Fisheries, by President Wilson, and is, in view of his past advice to me, to be congratulated upon having escaped the baneful consequences of this investigation, and upon having been confirmed by the Senate.

In addition, there were upon the seal board such other experienced men as M. C. Marsh, A. B. Alexander, Walter L. Lembkey, and James Judge, who were consulted. There were still other advisers to whom I was bound to defer. During the Administration of President Roosevelt, my predecessor, Secretary Strauss, had appointed an advisory board of the following: Dr. David Starr Jordan, Dr. Leonhard Stejneger, Dr. C. Hart Merriam, Dr. Frederic A. Lucas, Dr. Charles H. Townsend, Hon. Edward W. Sims, and Hon. Frank H. Hitchcock. They were selected to pass upon the question, among others, whether we should continue to kill a certain percentage of male seals. I had their report before me, recommending precisely what was afterwards done. From time to time members of these boards were further consulted, so that I had the right to feel that I was acting upon the advice of the most experienced men in our country. It has been insinuated that the department failed to consult two men—Dr. Merriam and Postmaster General Hitchcock. I do not recall about the first, although his testimony at the hearing disposes of all doubt about his position. The second was present at Cabinet meetings and was advised of the course that was adopted by the department.

It is asserted that the department did not heed the warnings of Henry Elliott and Dr. Hornaday. That is true. Both started with instructions as to what the department must do, and coupled them with accusations against reputable men, which could not be entertained without proof, and which I do not now entertain in the face of your committee's investigation. I concluded early, and I now think wisely, that to satisfy the opposition I would have to surrender the control of my office. This I refused; and I do not now regret to share the consequences with the men who have been inadvisedly attacked. If one man, however innocent, had been singled out in the hope that the truth would never overtake a lie well started, he might have been humiliated. But conditions are not yet ripe to have the reputations of such men as compose the boards above referred to all destroyed at one blow. Practically all these men to-day occupy positions of public responsibility in spheres closely related to the question then under consideration. Their work is under constant observation. They continue to command the respect of their superiors in office and their scientific colleagues out of office, as resolutions of associations and editorial comment in publications and correspondence will abundantly testify.

#### EFFORT IN THE PAST TO AVOID PERSONAL CONTROVERSY.

I regret to have even referred to the personal phases of your investigation. You will have to admit that I have done so only in so far as the course of the inquiry makes this necessary. When during the regular hearing between the 31st day of May, 1911, and the 31st day of July, 1912, you left it optional with me to appear, you will remember that I deemed this unnecessary, because I could not contribute anything to the merits of your inquiry, and most of those who could make such contributions and upon whose judgment I would in any event have to rely had appeared and testified.

Your own report made January 31, 1913, confirmed me in the correctness of my position. The slight criticism which the majority of your committee made, was in the main directed at details of management with respect to which I depended necessarily upon subordinates, who had testified from their personal knowledge, and who, in my opinion and that of the minority of the committee, were fully sustained by the records and the undoubted facts.

The hearing has now been reopened. Little or nothing new has been presented, although unusual publicity has attended your special agent's last report. For this reason I have referred to some of the personal phases contained in it. For the same reason I shall now take the time to comment upon a few of the more flagrant misrepresentations which followed the giving out of this report.

The lack of order or discernible purpose in your inquiries is such that I may not have caught all the accusations that are intended for my attention. As they come to me I shall be prepared to take them up; but shall now content myself with the mention of a few that have enjoyed peculiar distinction.

## SOME OF THE CHARACTERISTIC CHARGES.

(a) It is asserted, for illustration, that a report made by George A. Clark in 1909 was suppressed. It was transmitted to your committee in 1911, in compliance with a general demand for all documents. You had it before you when you signed your committee's report in 1913. I doubt whether I personally ever read this report. The reading of all similar documents in all the bureaus is out of question. I do know, however, that George A. Clark was one of the men upon whose active advice I depended in approving rules and conduct. Indeed, the department had the benefit of his experience and observations, and he comes in for particular criticism for having advised me to do what was done. Even this report did not, in Mr. Clark's mind, bear the interpretation which is now placed upon it; nor is it rationally capable of such interpretation. Furthermore, Dr. H. M. Smith, of the Bureau of Fisheries (now its chief) did bring this report to my attention on August 31, 1909; and that report was soon after transmitted to the State Department for its use in connection with the negotiations for a treaty. If, on the other hand, it is meant that the Clark report was suppressed because it was not printed, I must call attention to the fact that any attempt by the department to print all similar reports would have resulted in an early exhaustion of its annual appropriation; and in that event a committee on expenditures in the Department of Commerce and Labor might have been given very legitimate occupation. For illustration, it has not been charged that this same Mr. Clark's report for 1913 was suppressed because Secretary Redfield did not order it printed.

(b) Reference has also been made to a Treasury rule of 1896, restricting the taking of sealskins to 6 pounds, which rule your special agent claims to have discovered in the agent's books on the seal islands. This is also claimed to have been suppressed by the Bureau of Fisheries. I confess I do not recall it—probably never heard of it before. It is admitted that in 1904 an official in the department, whose integrity has not yet been assailed, prepared new rules in ignorance of the one-time existence of this same newly discovered one. Obviously, if made at all, this rule was made long before the creation of the Department of Commerce and Labor. In the year 1909, when I came into office, this rule had been superseded several times, and probably had never been transmitted to my department. It now constitutes one of those historic details for the publication of which time and money may be expended, but which otherwise has neither value nor interest.

The effort to first charge the lessees with misconduct during a period of 20 years, and then to saddle my administration with the responsibility, because the last year of the lease covered the first year of my administration, is hardly deserving of attention. The last killing under the lease was had within a few months after I took control. It was the end of a system with the practical administration of which I barely had time to come in touch, and which I earnestly helped to abolish. If it could now be shown (which there is no reason to believe, and which the returns of sales refute) that the rules of the department were, during that one season, disregarded; if, in other words, your recommendations upon this subject to the Department of Justice in January, 1913, should be accepted, I know of no circumstance to explain the delay or to obstruct the doing of exact justice now.

## THE CONTENTION THAT NO MALE SEAL SHOULD HAVE BEEN KILLED.

But the real burden of the complaint is that the rule which allowed the killing of any seals was unwise, and that even the rules as made were wilfully disregarded. As I stated above, the first question presented a difference of opinion. To admit that there was an honest difference is to dignify the personal squabble that has beset every official who had the responsibility of making a decision. I have named the men of authority and experience who counseled me, a disregard of whose advice by me might well have given ground for complaint. They were supported by Mr. Henry F. Osborn, president of the New York Zoological Society, and by every scientific publication of consequence that has come to my attention. Even Dr. W. T. Hornday wrote Commissioner Bowers as late as March 3, 1910:

"Part of my object in writing is to once more beg of you to use your influence against the making of a new lease, either this year or next. While I am a sincere believer in the advisability, from a business point of view, of following the Russian example and making a 10-year close season, I will add that after we have made satisfactory treaties with England and Canada, Russia, Japan, and Mexico for the suppression of pelagic sealing, I would see no insuperable objection to the making of a killing lease, under suitable restrictions. I am quite sure, however, that the making of such a lease now would be very detrimental to the interests of our Government and to the work of the State Department."

It is perfectly clear that in the early stages of this controversy Dr. Hornaday undertook to tell the departments what course must be adopted to procure a treaty. His advice was not taken, but the treaty is in force. He was at that time willing even, after we had obtained a treaty, to make a "killing lease." This was not done, and the Government took over the seal herds with the authority to regulate or to abate the killing from year to year, in the light of its own experience.

Briefly stated, the considerations upon which the decision to continue the killing of male seals was reached were these: The law left the decision absolutely with the Secretary. There is no doubt about its terms, and Senator Dixon, in reporting the bill, so explained to the Senate. It is doubtful whether the bill could have been passed, if it had contained a provision for a closed season. We had contended for years that pelagic sealing was the sole cause for the depletion of the herds, and that the killing of a percentage of males was proper. A closed season would have constituted an abandonment of our contention, and might have weakened our position. This is made perfectly clear by the discussion on the floor of the Senate when the bill was under consideration. Several Senators insisted that the bill really presented an international question and should be referred to the Committee on Foreign Relations, and not to the Committee on Conservation. The opposition was removed by the assurance that the Secretary of Commerce and Labor had the discretionary power, and could adjust the policy of his department to the needs of the State Department. This was afterwards done. When it had been decided, upon the advice of the experts, that in so far as the conservation of the herds was concerned, the killing of a certain percentage of males on land was wise, the further question as to the probable effect of such action upon the chances for a treaty to suppress pelagic sealing was referred to the State Department. This department answered that it had no objection to offer, and added that the understanding that provisions of the proposed treaty might be drawn in contemplation of such action was correct. Throughout, the Department of Commerce and Labor cooperated with the State Department, both recognizing a treaty to suppress pelagic sealing as the controlling purpose to be attained. The treaty was signed in 1911. It is predicated upon a division of the proceeds of male seals to be taken, just as had been indicated. In no respect was the traditional attitude of this Government deviated from until the law of 1912, in its provision for a five-year closed season, virtually repudiated the representations upon which the United States delegates in the convention had secured the consent of the delegates of the other countries to the terms of the treaty as it now stands.

#### THE CHARGE THAT THE RULES THEMSELVES WERE NOT OBSERVED.

As to the observance of the rules, I have every confidence in the men who were in charge. Doubt would be removed by the manner in which they have stood attacks upon them. If all employees in the several departments can do as well, the Government is to be congratulated. Each year some new man was sent to the islands for the very purpose of exercising every precaution. Throughout the department had the benefit of the observation and advice of most experienced men. The members of the advisory board acted upon the invitation of the Government, and without compensation save the undeserved notoriety to which they have been subjected. For a misconduct of none of them would it be possible to invent a motive. When they submitted their recommendations to me, the last killing season under the lease was closed, and thereafter the Government alone gained or lost, whatever the policy. No one denies that every skin taken was accounted for and sold to best advantage at public sale. With the number of seals killed remaining about the same, the Government's net returns more than trebled the first year after the lease closed and the Government took charge. If it were true (and this has been conclusively disproved) that too young seals had been killed, the Government would still get the proceeds, and no one else. So long as the proper reservation was made the herds could suffer no injury even then; and the only question would have been one of discipline for the agents in charge.

The plain truth is this: The law restricted the killing of seals to those 1 year old. With all that has been said, Congress through all the years of the leases and afterwards made no change. The executive department, however, by rules, raised the age to 2 years, and in doing this acted upon the advice of these same men of experience. After pelagic sealing was abolished these rules raised the age to 3 years. Throughout the aim of the department's rules has been to secure the conservation of the herds. For the consumption of the natives the killing of very young seals was always permitted. That here and there a female or a male seal under age was killed by accident is not denied. Remembering that the seals are in a wild state, this seems unavoidable. But the reports from the handlers of the skins in London demonstrate that such accidents were very rare. The attempt to build a charge of misconduct against these



reputable scientists and the staff of the bureau without reason or motive upon so flimsy a foundation is past belief.

And upon what theory is a Secretary of a department to be made accountable for such details of administration? I appreciate that a Secretary unavoidably gets credit for many things which are done unheralded by men far more competent in particular lines than he. I admit that he should be glad to take corresponding blame for errors that may have been committed without his knowledge. I have no desire to avoid the rules of the game. However impossible it may be for a Secretary who presides over 14 bureaus, with anywhere from 12,000 to 25,000 employees stationed in all parts of the country or the territories on land and sea, to personally supervise all the work, I would be the last to deny his responsibility for the general fitness of the force employed. Of my own knowledge, I know nothing of seal life, of the wisdom or unwisdom of killing this or that percentage at this or that age. I have seen the rookeries and some skins in a warehouse. I doubt whether any other Secretary has seen that much. I never saw a seal killed or a skin weighed, measured, or sold. When I wrote Senator Jones the letter which has been published in three different places, I gave the facts as they were reported to me by officials who were responsible for their conduct to the President and to me. But I wrote more particularly to demonstrate (and upon this feature there is no comment), that the account of sales of sealskins which had been published to discredit the reports of the bureau had been doctored by inserting imaginary measurements to sustain the theory of the charge. About weights and ages and superfluous blubber on skins, I knew no more of my own knowledge than I did about the details of other bureaus under my supervision, such as the comparative value of gas buoys, or the soundings of the sea, or the precise pressure at which a bar of steel gave way, or the correctness of a particular census enumeration, or the precise number of fish in a hatchery. At the same time it was my good fortune to have associated with me essentially well informed and patriotic men; and upon the whole we managed to live within our appropriations and to accomplish the work with which we were unitedly charged in all the bureaus.

#### CONCLUSION.

Whatever may be the extravagant statements about inconsiderable details now, the controlling facts are that the leasing system is abolished and pelagic sealing is suppressed. These are the more essential features, to which I gave particular personal attention. All killing is for a period abated, a new Commissioner of Fisheries has been appointed, and with the wide experience of the past, there should be no difficulty in evolving a policy. However, unless we are prepared to proclaim a seal reservation on sea and land and to maintain the herds for the entertainment of the nations, it will become necessary at some time to decide what percentage it is safe to kill, at what age, or of what weight or measurement. Some plan must be adopted. Either the herds must be held permanently immune from killing for their furs, or the theory of surplus male seals must be accepted, or males and females must be killed in equal proportion, or the superiority of the females must be recognized by killing them alone. When the day for that decision comes, no doubt the war will be renewed; the old straw will be thrashed over before new committees; former publications will not be reread, but they will be reprinted—all at the usual public expense.

CHARLES NAGEL.

#### REVIEW OF MR. NAGEL'S STATEMENT BY HENRY W. ELLIOTT.

WASHINGTON, D. C., March 24, 1914.

HON. JOHN H. ROTHERMEL,

*Chairman House Committee on Expenditures Department of Commerce.*

SIR: In response to your request of even date that I read and review a brief statement addressed to you by the late Secretary of Commerce and Labor, Charles Nagel, dated March 19, 1914, I respectfully submit the following:

Mr. Nagel has prepared this statement aforesaid under caption of several heads, which I will address myself to in the order of their sequence.

Under head of—

##### I. "THE DEPARTMENT'S ATTITUDE TO THE LEASING SYSTEM."

Mr. Nagel makes a labored and futile attempt to deny his own official record and the facts that belong to it. The departmental letters which he authorized, and which confound him now, in the premises are as follows, to wit:

The fact that the Secretary of Commerce and Labor had resolved, upon renewing the lease "to the best and highest bidder," etc., as early as October 23, 1909, was

self-confessed by that correspondence of his own officialism, which was sent to the House by him June 24, 1911, in obedience to the order of House resolution No. 73.

That the machinery of the office of the Secretary of Commerce and Labor had been set in motion by order of the Secretary himself as early as October 23, 1909, so that this renewal of the lease should be made, is attested by the following official letter of Mr. Nagel's direction, to wit (see p. 149, hearing No. 3, 1911; July 6, 1911, H. Com. Exp. Dept. Commerce and Labor):

[Exhibit No. 1.]

OCTOBER 23, 1909.

Mr. WALTER L. LEMBKEY,

*Agent Seal Fisheries of Alaska, Department of Commerce and Labor.*

MY DEAR MR. LEMBKEY: Will you please furnish me at your early convenience—say, by Wednesday at the latest—with a statement containing approximately 800 or 900 words regarding conditions on the fur-seal islands. The Secretary wishes me to give the widest publicity to the termination of the contract and to the department's intention to advertise for proposals next spring. The Associated Press has promised to send a story all over the country and wishes to add enough readable matter to make it interesting.

I suggest that your statement describe all that it consistently can of the contract and its terms, and also contain data regarding the life of the natives on the islands—their church, school, mode of subsistence, liquor privileges to the church, etc. Of course, incidents of the past season will be welcome. I want to give a good story to the Associated Press, and you need have no hesitancy in setting forth the facts, for it is the Secretary's desire that they be given publicity within reason.

Very truly, yours,

T. L. WEED, *Chief Clerk.*

The newspaper notices which were prepared and published in accordance with this order of the Secretary, as above cited, appeared all over the country as early as October 30, 1909 (in papers like the Boston Transcript), and were reappearing at intervals everywhere up to February 21, 1910.

These semiofficial publications in the daily press aroused certain public-spirited citizens, who addressed protests to Secretary Nagel as early as November 4–10, 1909. The Secretary paid no attention to them, but called his "advisory board" on fur-seal service, with Dr. D. S. Jordan as president, into session, and received from that board a recommendation that the lease be renewed on November 23, 1909. That this board did so recommend that renewal of this lease is fully attested by the official record as below, certified to by the Bureau of Fisheries, George M. Bowers, commissioner, under date of December 15, 1909, to wit (see p. 152, hearing No. 3, 1911; July 6, 1911, House Com. Exp. Dept. Commerce and Labor):

[Exhibit No. 3.]

DEPARTMENT OF COMMERCE AND LABOR,

BUREAU OF FISHERIES,

*Washington, December 15, 1909.*

Mr. COMMISSIONER: There is handed you herewith for your consideration a draft of lease of the seal islands. This has been prepared by Mr. Lembkey and myself in compliance with your request. We have endeavored to make the form of the lease agree with the recommendations recently made by the advisory board, fur-seal service, in conference with the fur-seal board. For your convenience a number of references and citations have been indicated. It is believed that an examination of this tentative draft will enable the Secretary to arrive at the exact form desired.

Respectfully,

BARTON W. EVERMANN,  
*Assistant in charge Scientific Inquiry.*

This draft of the "proposed" lease appears in full on page 153, hearing No. 3, 1911, and attached to it was a "memorandum" explanatory, in which the following occurs (see p. 155, hearing No. 3, 1911):

"The lease should be renewed. It is foolish to abolish killing on land while seals are being killed in the water. Cessation of killing on land means encouragement to pelagic sealing. Should pelagic or sea killing be abolished, it might be well to have a closed season on land as well to allow the herd to recuperate."

In the meantime it seems that those citizens who had endeavored in vain to get a denial of Secretary Nagel's intention to renew this lease, November 4–10, 1909, then turned to Congress for that action which would compel Mr. Nagel to desist. They



induced United States Senator Dixon to introduce December 7, 1909, a concurrent resolution, directing Secretary Nagel not to renew the lease, and suspending all commercial killing on the Pribilof Islands for 10 years, etc. (S. Res. No. 90).

Thereupon, Mr. Secretary Nagel's officials went to work to defeat Dixon's resolutions. The following proof officially certified to by the officialism that these men were so engaged is found on page 157, hearing No. 3, 1911, House Committee on Expenditures in the Department of Commerce and Labor, to wit:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF FISHERIES,  
Washington, December 16, 1909.

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator Dixon, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal-island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

These gentlemen, as named above in this letter—"Townsend, Lucas"—were members of Secretary Nagel's "advisory board" on fur-seal service, which had urged this renewal of the lease, as above attested. They got busy. (See pp. 724-725, hearing No. 12, 1911; pp. 799-800, hearing No. 13, in re Lucas; and pp. 159-160, hearing No. 3, 1911, in re Townsend.) This official activity stirred the Campfire Club of America to action, so that it induced Senator Dixon to call his Committee on Conservation of National Resources together, on February 26, 1910, as attested by the following sworn evidence on pages 232-235, hearing No. 5, 1911, to wit:

"CHRONOLOGICAL HISTORY OF THE WORK OF THE CAMPFIRE CLUB OF AMERICA IN  
PREVENTING CHARLES NAGEL FROM RENEWING THE FUR-SEAL LEASE.

"October 29, 1909.—Mr. Hornaday, as chairman of the committee on game-protective legislation and preserves of the Campfire Club of America, addressed a letter to Senator Joseph M. Dixon, Missoula, Mont., stating the deplorable case of the fur-seal herds and industry, proposing that Congress and the President be asked 'to wipe off the slate,' 'let the dead past bury its dead,' and 'start out for an absolutely new deal,' having for its object the saving of the fur-seal herd both as a commercial and an ideal proposition. Mr. Hornaday offers to appear before Senator Dixon's Committee on the Conservation of National Resources, with other representatives of the Campfire Club, to present a formal memorial and to suggest a plan of action.

"November 3.—Senator Dixon advises Mr. Hornaday that he is willing to take up the fur-seal matter, and will introduce the bill or resolution proposed on the first day that Congress convenes.

"November 12.—Mr. Hornaday wrote to Senator Dixon, inclosing the original draft of the resolution that was introduced by him December 7, 1890. (S. 90.)

"November 23.—At a meeting of the 'advisory board of the fur-seal service, Bureau of Fisheries,' held in Washington, a series of six recommendations were unanimously agreed upon and immediately transmitted to the Commissioner of Fisheries. In recommendations 1 and 2 it was plainly evident that the advisory board was in favor of the execution of a new lease and of continued killing up to 95 per cent of the 3-year-old males. In view of the alarmingly depleted condition of the fur-seal herd, these 'recommendations of the advisory board' caused great disquietude in the Campfire Club. These recommendations played an important part in stimulating the subsequent activities of the club in behalf of the fur seal. The Campfire Club was unable to understand how, in the existing condition of the fur-seal industry, the advisory board could find it desirable to execute a new lease and to continue wholesale slaughter on land.

"*December 1.*—The Campfire Club sent out to the leading newspapers of the United States a circular letter stating its belief that the time had arrived for 'some independent citizens to step into the arena in behalf of the fur-seal industry and virtually compel the action that this Government should have taken two or three years ago.' With this circular letter to editors was sent a news article entitled 'Loss of the fur-seal industry. Former source of revenue now an annual loss. Will American people preserve their own property?' This article was published in about 25 newspapers on or about December 10, 1909.

"*December 7.*—Senator Joseph M. Dixon, chairman of the Senate Committee on the Conservation of National Resources, introduced Senate resolution No. 90, under the title 'In regard to the Preservation of the Fur-seal Herd.' An attempt was made to secure a reference of the resolution to the Senate Committee on Foreign Relations, which was defeated by Senator Dixon's motion to lay the resolution on the table in the Senate.

"*January 15, 1910.*—The Campfire Club of America, by the chairman of its committee on game-protective legislation and preserves, addressed a letter to the President of the United States setting forth the deplorable features of the fur-seal situation, giving a brief résumé of the subject at that date, and closing with the following words: 'In conclusion, we entreat you to place the fur seal on your list of emergency measures and call upon Congress to pronounce for no new killing lease, a 10-years' close season, and the independent treaties that are necessary with England and Canada, Japan, Russia, and Mexico.'

"*January 20.*—The Campfire Club of America addressed to Hon. Charles Nagel, Secretary of the Department of Commerce and Labor, an urgent letter, signed by Ernest Thompson Seton, president, and 13 members of the committee on game-protective legislation and preserves, urging him to cooperate in securing the three objects declared for in Senate resolution No. 90, and in the President's club letter namely, 'No new killing lease, a 10-year close season, and treaties for the suppression of pelagic sealing.'

"*February 15.*—The Campfire Club's resolution, introduced by Senator Dixon December 7, 1909, and laid upon the table, was taken from the table and referred to the Senate Committee on the Conservation of National Resources.

"*February 24.*—Having received positive information to the effect that the Department of Commerce and Labor was on the point of advertising for bids for the awarding of a new lease for the killing of seals on the Pribilof Islands for the next 20 years, the Campfire Club directed Chairman Hornaday to go at once to Washington and ask for a hearing before the Senate Committee on the Conservation of National Resources.

"*February 25.*—Mr. Hornaday appeared in Washington. An emergency call had already been sent out by Senator Dixon for a meeting of his committee on the following day.

"*February 26.*—The Campfire Club's representative appeared before the Senate Committee on the Conservation of National Resources.

"Present: Senators Dixon (chairman), Dillingham, Dolliver, Bankhead, Jones, Heyburn, Clark of Wyoming, Dick, Newlands, Overman, and Smith of South Carolina.

"The report of this hearing appears as Senate Document No. 605, published on June 1, 1910, with maps and illustrations. Mr. Hornaday presented facts and figures and contended for the three measures asked at the hands of Congress in Senate resolution No. 90, with special urgency for action by the committee against a new lease.

"*February 26.*—The Senate Committee on the Conservation of National Resources at the close of the hearing adopted a resolution directing the chairman to represent to the Secretary of Commerce and Labor the inadvisability of executing a new lease for the killing of seals on the Pribilof Islands under the old contract system. The chairman was requested to confer with Secretary Nagel on this whole subject."

Senator Dixon, acting under this instruction of his committee, as above attested, called promptly on Secretary Nagel, and found that official busy with the preparation of the new sealing advertisement for "proposals" from bidders, etc.

Of course the Secretary did not go further. It is unnecessary to tell the House why, after such an order came to him from the Senate. He made as his excuse to Dixon the claim that he law was "mandatory," etc. "Then, why do you oppose my resolution repealing it?" asked Dixon. The result was that he, at Dixon's suggestion, prepared a draft of a bill to order such a repeal, which Dixon introduced as Senate bill 7242, on March 16, 1910, immediately after the President had sent a special message covering it to Congress on March 15, 1910. (Hearing No. 5, p. 235, July 13, 1911, H. Com. Exp. Dept. Commerce and Labor.)

No sophistry of the officialism concerned can hide these naked self-confessed facts, as above exhibited and as put into the testimony, duly sworn and certified to this committee.

From this subject of the leasing system Mr. Nagel proceeds to—

## II. "THE DEPARTMENT'S EFFORTS FOR A TREATY TO SUPPRESS PELAGIC SEALING."

The following facts of brief yet sworn testimony declare that the existing fur-seal treaty is the "Hay-Elliott fur-seal treaty plan of mutual concession and joint control," which John Hay, Sir Mortimer Durand (Br. Amb.), the senatorial committee (Gov. W. P. Dillingham, chairman), and Henry W. Elliott perfected March 7-17, 1905, and which treaty plan was held up by the accident of John Hay's sickness in March, 1905, and subsequent death July 1, following. That it was forced out of the State Department by the Senate Committee on Conservation of National Resources February 4, 1911, after being held up all these long years by interests that Mr. Nagel faithfully served, as well as his immediate predecessors—by the lessees, is a matter of sworn proof given to this committee in detail, and will be found in hearing No. 45, July 11, 1911, pages 165-184.

On page 62, hearing No. 1, January 17, 1914, I have given to your committee the following indisputable summary, which has been verified by sworn testimony, to wit:

"This is the Hay-Elliott treaty of mutual concession and joint control with Great Britain, which Henry W. Elliott drew up in 1904-5, and which John Hay approved in March, 1905, and which his sickness and death in July following prevented the ratification of in June, 1905, at Ottawa; the lessees then came into power at the State Department after Hay's death, and, with the help of Dr. Jordan and his 'scientists,' prevented any action on it until it was forced out of the State Department by the Senate Committee on Conservation of National Resources February 4, 1911, and into the Senate February 8, 1911, and then ratified there February 15, 1901, its terms being kept secret until Japan and Russia united in them, July 7, 1911.

## III. "PELAGIC SEALING HAVING BEEN ABOLISHED, WHICH POLICY WOULD BEST CONSERVE THE SEAL HERDS?"

Under this caption Mr. Nagel has a long, involved, and indeterminate saying to the end that while he himself did not know anything and could not be expected reasonably to know anything about seals, yet he had a group of highly specialized fur-seal "experts" under his direction, upon whom he did rely for all he did; that he still believes them wholly competent to advise him and believes they "advised" him "well."

Were these men "competent"? Did they possess knowledge which he asserts to you they had as "competent experts"?

Under oath each and every one of these "experts," these "competent" men, denied to this committee that they had any precise or exact knowledge of what Charles Nagel was doing in re killing seals. They declared, each and every one of them, that they did not know of their own personal knowledge whether or no Charles Nagel's agents were killing seals in violation of law or whether they had ever killed "yearling" seals, since not one of them know what a yearling seal was.

Every one of these "experts"—Smith, Lucas, Bowers, Townsend, Clark, Stejneger, Merriam, and Evermann—every one of them, under oath, swore that they did not know what a yearling sealskin was.

And the one man—the one "expert" who did know—named by Nagel, W. I. Lembkey, confessed to this committee that in one single season he had taken 7,733 yearling sealskins of his own identification and measurement as such. (See hearing No. 14, July 29, 1912, pp. 897-920.)

## IV. "EFFORT IN THE PAST TO AVOID PERSONAL CONTROVERSY."

Under this head Mr. Nagel attempts to conceal the fact that he has written the most brutal, arrogant, and insulting official letter to a good citizen, that the records of high official life can show. He attempts to conceal the fact that he opened this "discussion" with that letter, and that he sent up to this committee, June 24, 1911, a series of studied defamatory personal articles all prepared by his subordinates, reflecting upon me, and falsifying my record. They were actually scandalous, and this man Charles Nagel can no more stand up and assert them successfully in the presence of this committee, than he can fly. Over 20 close-printed pages of this personal drivel, slander, and abominable falsehood are bound up in "Appendix A," which covers his answer to House resolution 73, Sixty-second Congress, first session, June 28 to July 6, 1911 (H. Com. Exp. Dept. Commerce and Labor). This was an "effort" on his part that soon wrought his undoing.

## V. "SOME OF THE CHARACTERISTIC CHARGES."

Under this caption Mr. Nagel runs along with a series of absolutely idle statements not one beginning or ending anywhere. Take for instance his explanation of the "suppression" of the Clark report. After saying that he doubts "whether" he "personally ever read it," he has this statement to make, anent it.

"Furthermore, Dr. H. M. Smith of the Bureau of Fisheries (now its chief) did bring this report to my attention, on August 31, 1909, and that report was soon after transmitted to the State Department for its use in connection with the negotiations for a treaty."

That this statement as above quoted is absolutely untrue—is a studied untruth to deceive—let me tell you that Mr. Clark's report was not finished until September 30, 1909, and did not reach Mr. Nagel's hand until October 8, 1909. (See p. 829, Appendix A.)

He again attempts to break the force of his suppression of Clark's report by saying, "If, on the other hand, it is meant that the Clark report was suppressed because it was not printed, I must call attention to the fact that any attempt by the department to print all similar reports would have resulted in an early exhaustion of its annual appropriation."

If Mr. Nagel was sincere in that statement, then why did he print Lembkey's report for 1909 and put Clark's for 1909 into cold storage? Why did he print and distribute Lembkey's report for 1909 when Clark's report of 1909 declared it to be false.

He attempts to convey the idea that because he never heard of the "Carlisle rules" of 1896, they "probably had never been transmitted to my department."

That this is a puerile suggestion need not be set forth, when it is known that the law which placed all of the fur-seal records and all of the details of the fur-seal officialism and business, carried them from the Treasury Department to the Commerce and Labor Department July 1, 1903, and there they were all of this time up to the hour he attempts to deny them as above.

## VI. "THE CONTENTION THAT NO MALE SEAL SHOULD HAVE BEEN KILLED."

Under this head Mr. Nagel attempts to tell you that nothing but "an honest difference of opinion" exists. He says, "I have named the men of authority and experience who counseled me, a disregard of whose advice by me might well have given ground for complaint. They were supported by Mr. Henry F. Osborn, president of the New York Zoological Society," etc.

I have just exposed the ignorance of each and every one of his "men of experience who counseled" him; let me throw some light on the experience of "Mr. Henry F. Osborn," as above quoted.

On May 16, 1912, Dr. F. A. Lucas, one of Mr. Nagel's "men of experience who counseled me," under oath had this to say of the sense and truth of Mr. Henry F. Osborn's writing, to wit:

"Mr. ELLIOTT. Did Ogden Mills ever confer with you in regard to leasing the seal islands?

"Dr. LUCAS. No; I do not know Ogden Mills. I never met him.

"Mr. ELLIOTT. That is right. The other gentleman, Mr. Townsend, does. Did you inspire the letter which Henry Fairfield Osborn, president of the American Museum of Natural History, wrote to Chairman William Sulzer?

"Dr. LUCAS. I did not. Kindly note, Mr. Elliott asked if I inspired that letter.

"The CHAIRMAN. Do you know anything about it?

"Dr. LUCAS. Only after it was written.

"The CHAIRMAN. Were you in consultation about it with anyone?

"Dr. LUCAS. No; my advice was not asked.

"Mr. ELLIOTT. Did you volunteer any?

"Dr. LUCAS. We had discussed, President Osborn and myself had discussed, the seal question, but he never asked me in regard to this particular letter.

"Mr. ELLIOTT. This letter is dated 'New York, January 22, 1912,' and is signed by 'Henry Fairfield Osborn,' and addressed to 'Hon. William Sulzer, House Committee on Foreign Affairs, House of Representatives.' You have seen the letter on page 19 of the report?

"Dr. LUCAS. Yes; I read it shortly after it appeared.

"Mr. ELLIOTT. Do you agree with Mr. Osborn in this statement:

"NEW YORK ZOOLOGICAL SOCIETY,

"New York, January 22, 1912.

"MY DEAR MR. SULZER: I understand there is a proposal to add to the fur-seal bill drafted by the State Department an amendment for a 15-year closed season on male seals.

"This amendment is a vicious one, which will certainly lead to the complete extermination of the seals. I understand it was proposed by Mr. Elliott, who has no standing in this country as a zoologist and, I believe, is supported by my friend, Dr. Hornaday, whom, I regret to say, has come under the influence of Mr. Elliott. Dr. Hornaday's position in the matter is entirely personal and does not in any way represent the judgment of the New York Zoological Society. All the zoologists of note in this country, all the scientific experts whose opinions are worthy of consideration, all the trained experts who have made a special study of the fur-seal problem, all naturalists who understand that an excess of males is fatal to both the females and the young, and, finally, all those who desire through intelligent study of the question from motives of humanity, as well as from motives to protect the economic interests of the United States, are opposed to the 15-year closed season.

"The reason is a very simple one, which you can yourself readily understand—namely, that there is an unnatural excess of males on the islands, due to the fact that pelagic sealing has destroyed 85 females out of the 100 in the herd; thus the balance of nature has been destroyed. When there are not enough females to go around, the bulls will fight for them, and in doing so will kill both the females and the pups. Under natural conditions of breeding there would be an equal number of females and males. Nature takes care of these things, but the pelagic sealers have produced a set of new and entirely artificial conditions. Consequently the proposal of the United States Fish Commission experts to keep down the resulting excess of males, and thus to restore gradually the balance which nature has instituted for all time between the sexes is the only one which will preserve this great herd.

"I have given this matter very prolonged study and have read all the documents, and I regret to say that your committee has been given a great amount of misinformation under the guise of sentiment for the protection of these animals. I am one of the most ardent advocates of protection of the wild animal life of this country and in this spirit and in the interests of my country I can not express myself too emphatically. My opinion is identical (with the exception of my friend Dr. Hornaday) with that of all the leading zoologists and mammalogists of rank in the United States, and if you desire I can have prepared for your committee at short notice a document signed by all of these men. The article by Hugh M. Smith, of the United States Fisheries Bureau, one of the finest and most unprejudiced and unbiased men of science in the country, in the last number of the National Geographical Magazine exactly expresses the truth on this subject.

"With your permission, I should like to publish this letter, but will not do so without your permission.

"With best wishes for the prosecution of the many grave and important questions which are before your committee, and with continued personal regard, I am,

"Sincerely, yours,

"HENRY FAIRFIELD OSBORN, *President.*

"HON. WILLIAM SULZER,

"*Chairman House Committee on Foreign Affairs,*

"*House of Representatives, Washington, D. C.*

"Dr. LUCAS. I do not agree with that, which shows very plainly I did not inspire the letter.

"Mr. ELLIOTT (reading):

"THE AMERICAN MUSEUM OF NATURAL HISTORY,

"OFFICE OF THE PRESIDENT,

"*New York, January 22, 1912.*

"DEAR SIR: As president of the American Museum of Natural History, I have been securing the advice of the expert zoologists of this institution, especially of Dr. Frederic A. Lucas, who is a trained authority on the fur-seal question. I desire to protest against the proposed amendment to the fur-seal bill (drafted by the State Department), which amendment provides a 15-year closed season on male seals. This amendment, should it become law, would exterminate the great seal herd of the United States, and is founded upon ignorance of the first principles of breeding under natural conditions, and of the artificial conditions which have been brought about on the islands through prolonged and fateful pelagic sealing.

"I am, very respectfully,

"HENRY FAIRFIELD OSBORN, *President.*

"HON. WILLIAM SULZER,

"*Chairman House Committee on Foreign Affairs,*

"*House of Representatives, Washington, D. C.*

"I am strongly in favor of the bill itself.



"Now, how did he get the idea that they would be exterminated after he had conferred with your scientific acumen?"

"Dr. LUCAS. Men may confer, you know, and do something entirely different.

"Mr. ELLIOTT. How did he get that impression, if not from you?"

"Dr. LUCAS. I do not know. You will find all my publications entirely different from that.

"Mr. ELLIOTT. So you will not be responsible for what Dr. Osborn says?"

"Dr. LUCAS. Not in this case; certainly not."

You can therefore understand what this "advice" really was worth, Mr. Chairman, when you note the fact that it is self-confessed nonsense and worse, which Mr. Charles Nagel relied upon.

Mr. Nagel under this head says: "Briefly stated, the considerations upon which the decision to continue the killing of male seals was reached, were these: The law left the decision absolutely with the Secretary. There is no doubt about its terms and Senator Dixon in reporting the bill so explained to the Senate. It is doubtful whether the bill could have been passed if it had contained a provision for a closed season."

That Mr. Charles Nagel has deliberately attempted to deceive you as to what the temper of the Senate really was—to deny its intention to have a closed season—please observe the following extracts from the Congressional Record covering the debate when the bill was up and passed, March 23, 1910, to wit:

"Mr. DIXON. I will again say, then, that owing to the urgency of the present situation, under the provisions of the present leasing law, the lease for killing fur seals expires in April. The Secretary of Commerce and Labor believes that its provisions are mandatory unless those provisions are repealed. The President sent in his message one day last week urging the enactment of this legislation. This bill, which has now been reported with some amendments, was drafted by the Secretary of Commerce and Labor. He appeared before the committee, urging its passage, yesterday. The bill was also referred to the Secretary of State, and he favorably recommends the immediate passage of the bill. On account of the urgency of the case, the bill having to go through both Houses, I ask for its consideration at this time.

"The bill, in effect, if the Senator has a copy of it on his desk, repeals the present leasing law and puts the killing of the seals entirely under the control of the Secretary of Commerce and Labor.

"Mr. HALE. Now, upon that important detail, what change does that effectuate in the law?"

"Mr. DIXON. It, in effect, gives the Secretary of Commerce and Labor the right to declare a closed season. All the zoologists and scientists and Government officials who appeared before the committee were, I think, unanimous in expressing the belief that unless some immediate legislation was had two or three years would see the extermination of the fur seal in the North Pacific waters.

"Mr. HALE. Then there is no existing law which authorizes any Secretary or anybody to inaugurate a closed time?"

"Mr. DIXON. None.

"Mr. HALE. This is a new feature?"

"Mr. DIXON. It is a new feature so far as that is concerned.

"Mr. HALE. Does the Senator believe, and do the committee and the Secretary believe, that it is absolutely essential to the preservation of the seal?"

"Mr. DIXON. Both Secretaries so believe, and that is the unanimous opinion of the committee and of every man who appeared before it from the Government departments and outside scientists and zoologists.

"Mr. HALE. Is it all open now without a closed time?"

"Mr. DIXON. Under the present provision of the old act passed 20 years ago, the Secretary of Commerce and Labor must let a contract for killing the seals to some company. That expires in April. He feels that the provisions are absolutely mandatory, and unless the repeal takes effect at once he will have to go ahead and let the contract to either the present company or some other company.

"This provision puts it in the power of the Secretary of Commerce and Labor to make a closed season if he so desires, and if the seals shall multiply and increase, it is under his control to kill in the future as many male seals as can be done without diminishing the herd.

\* \* \* \* \*

"Mr. HALE. Without having much real information on the subject, I should agree with the Senator that unless something be done the practical extirpation will follow.

"Mr. DIXON. It is immediate.

"Mr. HALE. Whether this remedy will be effective or not nobody can tell. The disappearance, unregulated, before the ravage of the human race of the animals and fish upon shore and in the sea, as the Senator knows, is something remarkable. The

rule is all one way. The disappearance of the bison was a most amazing manifestation of what will take place in the destruction of animals before the raid of commercial man.

"Now, whether this device will save the seal and, as the Senator hopes, lead to an increase, I do not know. I have not the confidence the Senator has, but I think he is proceeding in the right direction. I hope it will come out as well as the Senator believes; but human legislation is unavailing before the attack of predatory man."

Here you observe that the Senate was informed by Chairman Dixon that this bill was up to them for the purpose of "inaugurating a close season," and so expressly declared to the Senators who opposed the same with that full understanding. How puerile is Charles Nagel's attempt to deny this official record of that debate, and how idle.

Mr. Charles Nagel under this head closes with the solemn nonsense of this assertion: "In no respect was the traditional attitude of this Government deviated from until the law of 1912, in its provision for a five-year closed season, virtually repudiated the representations upon which the United States delegates (Nagel and Anderson) in the convention had secured the consent of the delegates of the other countries to the terms of the treaty as it now stands."

That this "traditional policy" was founded on a false basis which was substituted at Paris, in 1893, for our claim, in lieu of the truth in the premises, at the behest of private interests, did not and does not concern the servants of that private interest—men like Charles Nagel; but the Senate held too many clear-headed men for such an outrageous public imposition to endure as was Mr. Charles Nagel's "traditional attitude" toward our foreign seal herd. So an end to the same was made in so far as that "traditional attitude" went, for the good of the herd.

Finally, under this head, Mr. Nagel makes the following "confession and avoidance" of guilt in the premises, as I have charged him, in re killing yearling seals; he says:

"If it were true (and this has been conclusively disproved) that too young seals have been killed, the Government would still get the proceeds and no one else."

Here you have him self-confessed as being willing to violate the laws and regulations, in re killing yearlings for the excuse that "the Government would still get the proceeds, and no one else."

At last and in conclusion, Mr. Charles Nagel throws off the mask and stands up in his real color as a willing violator of the law because the Government will get money from the proceeds of that malfeasance.

How, then, about the money which the lessees got under his willing sanction in 1909 when they took 7,320 "too young" seals in open, flagrant violation of the law and the regulations of the department? Did that money which these men got satisfy the conscience of Charles Nagel as a sworn public agent? He says it did.

Mr. Nagel closes this "brief statement" of his by saying: "Of my own knowledge I know nothing of seal life, of the wisdom of or the unwisdom of killing this or that percentage, of this or that age. I have seen the rookeries and some skins in a warehouse. I doubt whether any other Secretary has seen as much. I never saw a seal killed or a skin weighed, measured, or sold \* \* \*. When I wrote Senator Jones the letter which has been published in three different places, I gave the facts as they were reported to me by officials who were responsible for their conduct to the President and to me. But I wrote more particularly to demonstrate (and upon this feature there is no comment) that the account of sales of sealskins which had been published to discredit the reports of the bureau had been doctored by inserting imaginary measurements to sustain the theory of the charge."

Unhappily for Mr. Nagel, there is not a line in this letter to Senator Wesley L. Jones (which is his own untruthful and defamatory letter) that refers to "measurements" of any sort whatever. But he quotes a series of "loaded" skin weights—the blubbered skins of yearling seals—to prove to Senator Jones that they are older seals, and so deceive.

He ends this "brief statement" by telling the committee that he has no doubt in his mind as to what the future will bring forth for the fur-seal herd when the closed season, now in force, has lapsed. If he really believes that any "scientific" organization can be again created like the one upon which he has relied, to reopen the question which common sense has closed it with, I have not.

In conclusion, I think that Mr. Nagel has perhaps done himself scant justice in not appearing before this committee. He was in this city weeks after he had received an invitation to appear, and on similar business, to wit: on February 11, 1914.



[Washington Post, February 12, 1914.]

“NAGEL ON WITNESS STAND—FORMER SECRETARY DENIES CHARGES OF LIGHTHOUSE MISMANAGEMENT.

“Charles Nagel, former Secretary of Commerce and Labor, yesterday vigorously denied charges of mismanagement of the Lighthouse Service during his régime. He appeared before a special investigating board headed by Secretary of Commerce Redfield.

“These charges, which were brought by W. J. La Varre, in charge of the New York district, related to contracts let by A. P. Conover, a former deputy commissioner of the service.”

There is no evidence given by him of the reason why he did not embrace this opportunity as above cited of appearing before you, since he did not leave Washington, D. C., until February 14, following.

I am, very respectfully,

HENRY W. ELLIOTT.

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